

Sala Nammbwe and Yvette Nimenya vs.
Smithfield Foods, Inc.

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May 24, 2018

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1 that you made an allegation that he pointed at
2 his penis.
3 A. (In English without translation of question)
4 Right.
5 Q. Okay. And he did that in December of 2014?
6 A. (In English without translation of question)
7 Right.
8 Q. Is that -- am I correct about that?
9 A. (In English without translation of question)
10 That's when I went down there to -- to speak
11 on December 24.
12 Q. Okay. And tell me what he did. I think it was
13 December 12th, or something like that, of 2014
14 according to the notes that I have. And it says
15 that he made a gesture, he pointed at his penis.
16 Is that what you remember?
17 A. (In English without translation of question)
18 Yeah. I remember that day. We was walk
19 together like what Yvette she said before. Juan
20 was on this side taking the net, put on the horn,
21 and I can't remember the other guy, he was
22 pushing the meat like that. And I was grab it
23 down and clipping. So when he put net and he
24 would have called me like (indicating), you know,
25 call me --

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1 Q. For the record, she's making a gesture that he --
2 A. (In English without translation of question)
3 -- called me, like, come and touch my penis,
4 come and touch my penis (indicating), but he
5 didn't talk on the words words but he make a
6 sign, call me --
7 Q. Okay.
8 A. -- and grab his -- his private party [sic] like
9 this (indicating).
10 Q. So he sort of pointed at you and then he grabbed
11 his private parts?
12 A. (In English without translation of question)
13 Yeah.
14 Q. Okay. And he didn't say anything verbally, it
15 was the gesture?
16 A. (In English without translation of question)
17 Yes.
18 Q. And how many times did he do that?
19 A. (In English without translation of question)
20 It was once because -- Let me -- Sorry.
21 (Sotto voce between witness and interpreter.)
22 A. -- I told -- it was the one time. I told him you
23 are nasty and disgusting, you're not supposed to
24 work me -- with me anymore.
25 BY MS. CALEM:

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1 Q. Okay. Was this before December 12th, 2014, or
2 the same day you said that?
3 A. It happened when Gary was -- at that time Gary
4 was on vacation and when it happened, so he told
5 Rusty, Rusty, and Rusty separate us and he
6 started working on his own place and he put me --
7 he put him on his own place and he put me on the
8 other place, but I was waiting to report that
9 to --
10 THE WITNESS: No.
11 (Sotto voce discussion between witness and
12 interpreter.)
13 THE INTERPRETER: I was satisfied when I
14 report to Rusty and Rusty separate us --
15 separated us.
16 BY MS. CALEM:
17 Q. Okay. And did that happen on December 12th or a
18 different day before December 12th, 2014?
19 A. (In English) It occurred before December 12th.
20 (Through interpreter) It was before December
21 12th.
22 Q. And do you remember when it was?
23 A. It was in December but not -- not sure exactly
24 the date.
25 Q. So in December but earlier in December?

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1 A. It was a week before December 12th.
2 Q. About a week before December 12th. Did anybody
3 see Juan do this except for you?
4 A. When we were working, so Kamesu is another
5 employee, he asked why are you doing that to
6 Scott.
7 THE WITNESS: No. No.
8 When -- when -- when he show me the sign and
9 I tell him it's nasty so he started to work with
10 me in bad way --
11 THE INTERPRETER: He started --
12 COURT REPORTER: He started what with you?
13 THE WITNESS: Working bad --
14 MS. CALEM: Working in a bad way with you.
15 THE WITNESS: Yeah.
16 COURT REPORTER: Okay.
17 A. (In English) So make too much meat and another
18 one he might have push and the meat will come
19 through to my feet. That time I was crying. And
20 Donna, she said, Don't cry about Juan, okay.
21 Then Kamesu, she asking him, why are you doing
22 this to Sala, and he said, I don't care.
23 BY MS. CALEM:
24 Q. And this is all in December before you reported
25 him?

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1 A. (In English without translation of question)

2 Yeah. That -- when I reported him a week

3 after -- week after December 12 --

4 Q. Uh-huh.

5 A. -- I report him to Rusty and then Rusty separate

6 us. Then when -- when -- when Gary come back to

7 vacation, then things happen again.

8 Q. Okay. So Gary comes back from vacation, you're

9 working on the same line with Juan again?

10 A. (In English without translation of question)

11 No. Wasn't.

12 Q. You were not on the same line?

13 A. (In English without translation of question)

14 Yeah. I was to another line when Rusty told

15 me to clip in another line, Handy [sic] line.

16 Q. Okay. And when this happened on December 12th,

17 though, you and Juan were on different lines?

18 A. (In English without translation of question)

19 When it happened, Gary came in the morning,

20 because at that time I was open work, I wasn't

21 have assigned job. So when Gary come, he told me

22 to go to work with the Juan and I was

23 uncomfortable to work with the Juan. So I told

24 Gary, I don't want to work with the him. Rusty

25 already separate with the him. He's like, why,

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1 and I said, No, the words he told me, I don't

2 like to work with the him. And Gary is, like,

3 You don't want to get along with the people,

4 don't you? And I said, No, it's not that way.

5 And I ask him, Do ask him he had to touch a man

6 penis, and he's like, Whoa, whoa, whoa, that's

7 what you try to do? I will get you. That's what

8 he told me, Gary, I will get you.

9 And then he call David and Steve. They take

10 me to -- to office. So when I was in the office,

11 I started crying and Gary asking me, Why you cry?

12 I said, You was yelling at me in front of bunch

13 of people and telling me you will get me, I'm

14 going to kill. Why you say you will get me?

15 What kind of get will you get me? So, oh, I was

16 just say that whatever, you know. So that's what

17 it started. And Gary, he took me straight to

18 Scott Reed.

19 Q. Okay.

20 COURT REPORTER: He took what?

21 THE WITNESS: He took me.

22 I can say he went to report to me to Scott

23 Reed that can't do job, I'm lazy, so Juan is --

24 he got his powerful so that's why we got to fight

25 with Juan because I'm lazy, I can't do job.

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1 BY MS. CALEM:

2 Q. Well, were you there when Gary -- did you hear

3 Gary say that to Scott Reed?

4 A. (In English without translation of question)

5 That's how I got interviewed inside.

6 Q. Yeah. But did you hear Gary say to Scott Reed,

7 "She's lazy and she doesn't want to work"?

8 A. (In English without translation of question)

9 No.

10 Q. Okay.

11 A. (In English without translation of question)

12 No.

13 Q. You don't know what he said to Scott Reed, do

14 you?

15 A. (In English without translation of question)

16 I heard somebody say he went to say that to

17 Scott Reed, but Juan, he said, I was there with

18 my ears. I was there with Juan, Scott Reed in

19 the meeting. Juan, he says, she's lazy, she

20 can't do job and that's why this is happening.

21 Q. Okay. So Juan said that you were working too

22 slowly, right?

23 A. (In English without translation of question)

24 Yeah.

25 Q. Okay. Did he say the word "lazy"?

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1 A. (In English without translation of question)

2 Yes.

3 Q. In front of Scott Reed?

4 A. (In English without translation of question)

5 Yes.

6 Q. So as I understand it, Gary comes back from

7 vacation, he doesn't know what's happened that

8 Rusty separated you.

9 A. (In English without translation of question)

10 Right.

11 Q. He told you, you work with Juan and you said, no,

12 I don't want to?

13 A. (In English without translation of question).

14 Right.

15 Q. And he got angry at you --

16 A. (In English without translation of question)

17 Right.

18 Q. -- and said -- because he's Gary, and said, you

19 don't want to work with anybody?

20 A. (In English without translation of question)

21 Uh-huh.

22 Q. And then you said, what, am I supposed to be here

23 to touch men's penises?

24 A. (In English without translation of question)

25 Right.

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<p style="text-align: center;">137</p> <p>1 Q. And then he -- and then did Gary think you had</p> <p>2 touched his penis or did he know that you were</p> <p>3 saying Juan had asked you to do that?</p> <p>4 A. (In English without translation of question)</p> <p>5 He think I was lying.</p> <p>6 Q. He thought you were lying?</p> <p>7 A. (In English without translation of question)</p> <p>8 Yeah.</p> <p>9 Q. How do you know?</p> <p>10 A. (In English without translation of question)</p> <p>11 Because he said, he told me, oh, you</p> <p>12 don't -- you don't want to get along with the</p> <p>13 people, don't you --</p> <p>14 Q. Uh-huh.</p> <p>15 A. -- I know how I would get you and he called me to</p> <p>16 office right away.</p> <p>17 Q. All right. And when he said this to you, was</p> <p>18 anybody else present?</p> <p>19 A. (In English without translation of question)</p> <p>20 Everybody that was on the line. And we was</p> <p>21 between the Great Bend line and the Hand line.</p> <p>22 COURT REPORTER: The what?</p> <p>23 MS. CALEM: Great Bend.</p> <p>24 THE INTERPRETER: Great Bend.</p> <p>25 BY MS. CALEM:</p>	<p style="text-align: center;">139</p> <p>1 like, oh, you don't want to get along with the</p> <p>2 people, don't you? And that's why I said, do you</p> <p>3 think I'm here to touch men's penis, and he's</p> <p>4 like, whoa, whoa, whoa, oh, that's why you going?</p> <p>5 I know how I will get you.</p> <p>6 Q. He said that's where you're -- you're going?</p> <p>7 A. (In English without translation of question)</p> <p>8 Yeah.</p> <p>9 Q. I know how I'll get you?</p> <p>10 A. (In English without translation of question)</p> <p>11 Yeah.</p> <p>12 Q. That's what he said?</p> <p>13 A. (In English without translation of question)</p> <p>14 Yeah.</p> <p>15 Q. Did you tell him Juan had made the gesture to</p> <p>16 you?</p> <p>17 A. (In English without translation of question)</p> <p>18 Yes.</p> <p>19 Q. When did you tell him that?</p> <p>20 A. (In English without translation of question)</p> <p>21 On that same day he come back on Monday.</p> <p>22 Q. On -- when you were talking to Gary between the</p> <p>23 Great Bend line and the Hand line, did you tell</p> <p>24 him then, no, he pointed at his penis? Did you</p> <p>25 say it then?</p>
<p style="text-align: center;">138</p> <p>1 Q. Between the Great Bend line and the Hand line?</p> <p>2 A. (In English without translation of question)</p> <p>3 Yes.</p> <p>4 Q. Okay. And so you -- you think that people just</p> <p>5 overheard him?</p> <p>6 A. (In English without translation of question)</p> <p>7 I don't know if anybody heard him.</p> <p>8 Q. Okay.</p> <p>9 A. I can't testify that somebody heard it but it was</p> <p>10 between me and him, and my attention was on him</p> <p>11 to understand me and give me my right.</p> <p>12 Q. Okay. And he said he -- when you told him, am I</p> <p>13 supposed to be here to touch men's penises, did</p> <p>14 you tell him that Juan had asked you to do that?</p> <p>15 A. (In English without translation of question)</p> <p>16 Because he asked me why you can't work with</p> <p>17 Juan, and I said that once he told me to do, I</p> <p>18 didn't like and I don't want to work with the</p> <p>19 him. I don't feel comfortable to work with the</p> <p>20 him. And he said, Oh, oh, oh, oh, you don't want</p> <p>21 to get along with the people, don't you? So I</p> <p>22 feel like why don't he want to understand and I</p> <p>23 don't want to tell him because I was, like, I'm</p> <p>24 going not to sue him for that but let me just --</p> <p>25 let me just leave and I can do my job. So he's,</p>	<p style="text-align: center;">140</p> <p>1 A. (In English without translation of question)</p> <p>2 Yes.</p> <p>3 Q. Okay. And then he said, I'm going to get you?</p> <p>4 A. (In English without translation of question)</p> <p>5 Yes.</p> <p>6 Q. And then you went to his office with him, or did</p> <p>7 he take you to HR?</p> <p>8 A. (In English without translation of question)</p> <p>9 He told Lisa to come to call me in the</p> <p>10 office.</p> <p>11 Q. He told Lisa Christion to call you to which</p> <p>12 office?</p> <p>13 A. (In English without translation of question)</p> <p>14 His office.</p> <p>15 Q. Gary's office?</p> <p>16 A. (In English without translation of question)</p> <p>17 Right.</p> <p>18 Q. Okay. And how do you know he told Lisa to call</p> <p>19 you to the office?</p> <p>20 A. (In English without translation of question)</p> <p>21 Because Lisa come to call and said they need</p> <p>22 you in the office.</p> <p>23 Q. Okay. So didn't Gary talk to Juan and ask him,</p> <p>24 did you do this?</p> <p>25 A. (In English without translation of question)</p>

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1 Possibly. It wasn't, like, pour water, the
2 pour water. It was the blue bucket we put on top
3 of table, so when it -- when it -- because that
4 job, they have to wash hands and put a net, but
5 if it was almost finish and it's cold, they had
6 to go in and to pour water again and put the
7 fresh water so that's -- the bucket, it came --
8 because I was taking a clip tip and put to the
9 other side, so he didn't say excuse me. He just
10 go -- he just come with the bucket, threw to my
11 right leg. But I didn't say anything but
12 Kamesu -- you know, a lot of people, they -- they
13 scared to tell the truth in personnel office
14 because they don't want to be hate from
15 supervisor or another employees or personnel
16 office, okay. They're scared. They don't want
17 to tell the truth, but that's the truth it was.
18 Q. Okay. Well, I understand what you're saying, but
19 all the personnel office can do is ask people,
20 right? I mean, they --
21 A. (In English without translation of question)
22 They can ask people.
23 Q. -- they don't know what's true, what's not,
24 they're asking people, right?
25 A. (In English without translation of question)

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1 I don't know.
2 Q. So there -- all this investigation happened and
3 then there was a meeting that the notes, anyway,
4 say there was a meeting with you and Ian Strum --
5 A. Okay.
6 Q. -- and Juan and Dave Hillberg and went over the
7 whole situation. And there was a talk about, you
8 know, you have to behave appropriately, everybody
9 has to act respectfully. And are you saying
10 there was an agreement that you and Juan would
11 never have to work together again?
12 A. (In English without translation of question)
13 Scott Reed, he said that we going to
14 separate you. From now, you can't work the same
15 line again.
16 Q. So you're saying Scott Reed said we're nev -- you
17 guys are going to work on different lines and you
18 never work together again?
19 A. (In English without translation of question)
20 Him and a union representative.
21 Q. Did anybody write this down?
22 A. (In English without translation of question)
23 I don't know. I wasn't have a pen. They,
24 they always have a pen and I never have any copy
25 from personnel office or anything.

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1 Q. At that point in time, did Scott offer you to
2 move to another department?
3 A. I'm sorry, excuse me.
4 (Sotto voce discussion between witness and
5 interpreter.)
6 THE INTERPRETER: She's feeling bad about me
7 not speaking. I'm, like, it's okay.
8 BY MS. CALEM:
9 Q. No, it's okay. I think we're working fine. I
10 understand you, and if we need some help, we have
11 Elias here.
12 THE INTERPRETER: What was the question
13 again?
14 BY MS. CALEM:
15 Q. The question is at that time, did Scott Reed
16 offer that you go to into another department?
17 A. He asked me if I want to switch, go to a
18 different department on the 20. I told him, no,
19 I love my department. I will stay there and I
20 love my job there.
21 BY MS. CALEM:
22 Q. Okay. So there's nothing that I see in the notes
23 that say that you're supposed to always work
24 separately from Juan, and you're saying that
25 Scott Reed told you that?

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1 A. (In English without translation of question)
2 Yes.
3 Q. And who else was present when he said that?
4 A. (In English without translation of question)
5 Strum.
6 Q. Ian Strum?
7 A. (In English without translation of question)
8 Yes.
9 Q. Anybody else?
10 A. (In English without translation of question)
11 Juan, David, like, where we was in the
12 office.
13 Q. Okay. Juan, David, Ian, Scott, Sala. Was Carrie
14 Moate there?
15 A. (In English without translation of question)
16 Yes.
17 Q. Okay. Because the notes from human resources say
18 we reviewed the following expectations with both
19 employees. Expect all employees to treat each
20 other with respect. They need to work together
21 to get the job done. If concerns arise, they
22 need to immediately bring the concern to their
23 lead or supervisor. Do you remember that being
24 said at the meeting?
25 A. (In English without translation of question)

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<p style="text-align: center;">149</p> <p>1 The thing he told me, he said you have to go</p> <p>2 back to work, but if you all bring another issues</p> <p>3 between you two, I am going to fire both of you.</p> <p>4 That's what he said.</p> <p>5 Q. Scott Reed said that?</p> <p>6 A. (In English without translation of question)</p> <p>7 Yes. He told me that.</p> <p>8 Q. In this same meeting?</p> <p>9 A. (In English without translation of question)</p> <p>10 Yes.</p> <p>11 Q. Okay. You didn't mention that before. So what</p> <p>12 my question was, do you remember the -- anybody</p> <p>13 saying at that meeting the two of you need to</p> <p>14 work together to get the job done?</p> <p>15 A. (In English without translation of question)</p> <p>16 No.</p> <p>17 Q. Do you remember Juan saying that he did not want</p> <p>18 to work with you now, he was concerned about</p> <p>19 working with you?</p> <p>20 A. (In English without translation of question)</p> <p>21 He said he don't want to work with me.</p> <p>22 Q. Juan said that?</p> <p>23 A. (In English without translation of question)</p> <p>24 Yeah, he don't want to work with me again.</p> <p>25 Q. And do you remember Scott saying to him, look,</p>	<p style="text-align: center;">151</p> <p>1 himself and I myself. No hi's, no nothing.</p> <p>2 Q. So no other touching, no other gestures, nothing?</p> <p>3 A. (In English without translation of question).</p> <p>4 No.</p> <p>5 Q. Okay. And to be clear, Scott [sic] did not touch</p> <p>6 you or say anything to you verbally. He made the</p> <p>7 gesture; is that right?</p> <p>8 A. (In English without translation of question).</p> <p>9 Yes. Scott or Juan?</p> <p>10 Q. I'm sorry, Juan. I'm getting the people</p> <p>11 confused. Sorry.</p> <p>12 A. (In English without translation of question)</p> <p>13 That's all right.</p> <p>14 Excuse me, can I ask you a question?</p> <p>15 Q. Nope.</p> <p>16 A. (In English without translation).</p> <p>17 Let me say something. Because you say in</p> <p>18 the -- that -- during that meeting, nobody said</p> <p>19 we're not supposed to work each other, nobody</p> <p>20 have that testimony. I can show that testimony I</p> <p>21 have about myself.</p> <p>22 Q. What do you mean?</p> <p>23 A. (In English without translation of question)</p> <p>24 I mean, I have a recording when I went to</p> <p>25 unit when April 4, in April 4, 2014, when Scott</p>
<p style="text-align: center;">150</p> <p>1 you need to move on?</p> <p>2 A. (In English without translation of question)</p> <p>3 I don't -- I'm not remember that.</p> <p>4 Q. So when you left that meeting, you thought you</p> <p>5 were never supposed to be on the same line with</p> <p>6 Juan again?</p> <p>7 A. (In English without translation of question)</p> <p>8 Exactly. And everybody in that department,</p> <p>9 they know that. Even Gary when -- and Lisa, when</p> <p>10 they say that, I'm close to net place, they will</p> <p>11 make me embarrassed and kick me out of there.</p> <p>12 They told me, you're not supposed to be -- you're</p> <p>13 not supposed to put even your feet in this area.</p> <p>14 Over there, that's your area. You can't come</p> <p>15 here. Everyone know that.</p> <p>16 Q. Which area did they say you could not go in?</p> <p>17 A. (In English without translation of question).</p> <p>18 Great Bend line.</p> <p>19 Q. Great Bend line?</p> <p>20 A. (In English without translation of question).</p> <p>21 Yeah.</p> <p>22 Q. Okay. And after this incident in 2014, did Juan</p> <p>23 ever do anything like that again?</p> <p>24 A. (In English without translation of question)</p> <p>25 No. We wasn't talk each other. He was</p>	<p style="text-align: center;">152</p> <p>1 Reed, he demanded me to work with the Juan again,</p> <p>2 I was mad and upset and I went into Strum and</p> <p>3 asked him and I recorded him and I have his</p> <p>4 recording. You can listen to what he said, what</p> <p>5 they make -- they -- he said didn't they make an</p> <p>6 agreement on the paper but they make the</p> <p>7 agreement, he remember.</p> <p>8 Q. This is Ian Strum told you this?</p> <p>9 A. (In English without translation of question)</p> <p>10 Yes. And I have a recording.</p> <p>11 Q. Okay. Well, that is certainly something we</p> <p>12 should have had already.</p> <p>13 MS. POCHOP: I don't have it, either.</p> <p>14 THE WITNESS: I sent to you, Stephanie. I</p> <p>15 sent to Marty? I give to her.</p> <p>16 Q. Okay. So this is not a recording not from 2014</p> <p>17 but in 2016 when you're talking to Ian, right?</p> <p>18 A. (In English without translation of question)</p> <p>19 Right. When he said -- he said that I had</p> <p>20 to start to work with the Juan after mediation</p> <p>21 and everything so that's how I said they start</p> <p>22 harassing me, retal -- retaliation against me</p> <p>23 when after this all this happened and Scott, he</p> <p>24 said I had to work with the Juan again, no matter</p> <p>25 what or any time I had to work with him.</p>

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<p style="text-align: center;">153</p> <p>1 Q. Okay. And then you talked to Ian and said,</p> <p>2 didn't we have an agreement, and Ian said, yes,</p> <p>3 we had an agreement. That's what Ian told you?</p> <p>4 A. (In English without translation of question)</p> <p>5 Ian, he said they didn't put on the note,</p> <p>6 but if you want, you can listen to that voice</p> <p>7 message. I don't have to tell you in my mouth.</p> <p>8 You can listen for yourself if you want to.</p> <p>9 Q. Well, I'm not going to listen to it right here</p> <p>10 and now. Are you saying you have it here with</p> <p>11 you?</p> <p>12 A. (In English without translation of question)</p> <p>13 Yes.</p> <p>14 Q. But so -- but I want you to describe for me what</p> <p>15 it is you're talking about. It's a voicemail</p> <p>16 from Ian to you, or a recording you made?</p> <p>17 A. (In English without translation of question)</p> <p>18 A recording.</p> <p>19 Q. A recording of you and Ian talking?</p> <p>20 A. (In English without translation of question)</p> <p>21 Yeah, because everything, even I have a</p> <p>22 witness, even I have a right, I never have a</p> <p>23 right in that office. So when I went to asking</p> <p>24 him, because I know that we said it inside the</p> <p>25 office in that meeting. I know. I had to record</p>	<p style="text-align: center;">155</p> <p>1 A. (In English without translation of question)</p> <p>2 Asking him.</p> <p>3 Q. And you're asking him, isn't it true that I</p> <p>4 didn't have to work with Juan anymore?</p> <p>5 A. (In English without translation of question)</p> <p>6 Right.</p> <p>7 Q. And Ian says, yes, that's right?</p> <p>8 A. (In English without translation of question)</p> <p>9 When -- Can you listen yourself?</p> <p>10 Q. No. I'm not going to listen right now.</p> <p>11 MS. POCHOP: Sala, just answer her question.</p> <p>12 She's asking you to tell her because she doesn't</p> <p>13 have the recording so just tell her what you know</p> <p>14 about it, okay?</p> <p>15 THE WITNESS: Okay.</p> <p>16 BY MS. CALEM:</p> <p>17 Q. Right. The way things work is that usually I get</p> <p>18 all the information, the documents, everything</p> <p>19 first and then I'm able to talk to you about it,</p> <p>20 but I don't have that so I want you to tell me.</p> <p>21 It's just the two of you, you and Ian,</p> <p>22 right?</p> <p>23 A. (In English without translation of question)</p> <p>24 Okay.</p> <p>25 Q. Right?</p>
<p style="text-align: center;">154</p> <p>1 him so because he knew we -- he did say that, I</p> <p>2 can't work with the Juan on the same line.</p> <p>3 That's why I record him.</p> <p>4 Q. Did Ian know that you were recording him?</p> <p>5 A. (In English without translation of question).</p> <p>6 I don't know.</p> <p>7 Q. Did you tell him?</p> <p>8 A. (In English without translation of question)</p> <p>9 I didn't tell him. Why am I supposed to</p> <p>10 tell him?</p> <p>11 Q. Where were you speaking to Ian when you made the</p> <p>12 recording?</p> <p>13 A. (In English without translation of question)</p> <p>14 In personnel office -- oh, union office.</p> <p>15 Q. In the union office?</p> <p>16 A. (In English without translation of question)</p> <p>17 Uh-huh.</p> <p>18 Q. And what day was this?</p> <p>19 A. (In English without translation of question)</p> <p>20 April 4, 2016.</p> <p>21 Q. 2016?</p> <p>22 A. (In English without translation of question)</p> <p>23 Uh-huh.</p> <p>24 Q. Okay. And it's a recording of you and Ian</p> <p>25 talking?</p>	<p style="text-align: center;">156</p> <p>1 A. (In English without translation of question)</p> <p>2 Right.</p> <p>3 Q. Okay. And you -- you asked him, is it -- didn't</p> <p>4 we have an agreement that I would never have to</p> <p>5 work with Juan, right?</p> <p>6 A. (In English without translation of question)</p> <p>7 I asking him, yeah, that I'm supposed to</p> <p>8 work with Juan or not? And he said, no, you're</p> <p>9 not supposed to work with the Juan because I</p> <p>10 remember that's how he saying in his English, I</p> <p>11 remember we have an agreement, me and Scott Reed,</p> <p>12 that you can't work with the Juan anymore. So I</p> <p>13 don't know what is going on in that office.</p> <p>14 That's what he say.</p> <p>15 Q. Okay. And did Ian speak to Scott Reed to tell</p> <p>16 him that?</p> <p>17 A. (In English without translation of question)</p> <p>18 Who?</p> <p>19 Q. Do you know if Ian then went and spoke to Scott</p> <p>20 Reed and said, what are you doing, we have an</p> <p>21 agreement?</p> <p>22 A. (In English without translation of question)</p> <p>23 I don't know if he speak with him, but he</p> <p>24 told me that day that he's making the email to</p> <p>25 send it to BJ because this incident happened.</p>

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<p style="text-align: center;">157</p> <p>1 Q. Okay. How long were you speaking to Ian for when 2 you made the recording? 3 A. (In English without translation of question) 4 I never watch what time after work. 5 Q. Just estimate. Half hour, an hour, ten minutes? 6 A. (In English without translation of question) 7 Maybe 20, I guess. I don't know what time 8 it was. 9 Q. Okay. All right. And what happened after that, 10 after Ian told you this? Did you go back and 11 talk to Scott or anybody? 12 A. (In English without translation of question) 13 How I'm supposed to talk to Scott? Scott, 14 he sent David in the office and called me in the 15 office, tell me, Sala, no matter what, Scott has 16 decided you have to work with the Juan, you don't 17 have a choice. 18 Q. Okay. And then in April, who assigned you to 19 work on the same line as Juan? 20 A. (In English without translation of question) 21 Who? 22 Q. Yeah. The day that you had to work with him, 23 that, you know, you said I'm not supposed to work 24 with him, who assigned you to work with Juan? 25 A. (In English without translation of question)</p>	<p style="text-align: center;">159</p> <p>1 same line with Juan before March 2nd, 2016? 2 A. (In English without translation of question) 3 Yes. 4 Q. Okay. So you'd worked with him several times 5 already, right? 6 A. That's why -- that's why I complain about it 7 because I was told not to work anymore with Juan, 8 but he was there so it got me uncomfortable and I 9 decided to complain about it. 10 Q. Okay. How many times before March 2nd had you 11 worked on the same line with Juan? 12 A. Like, three times. 13 Q. And when was the first time that you worked with 14 him on the same line in 2016? 15 A. In January and -- 16 THE WITNESS: No. Hold on. 17 (Sotto voce discussion between witness and 18 interpreter.) 19 A. February. 20 Q. In February? 21 A. (In English without translation of question). 22 Uh-Huh. March -- 23 (Sotto voce discussion between witness and 24 interpreter.) 25 A. It was February and March.</p>
<p style="text-align: center;">158</p> <p>1 Gary. 2 Q. On the Great Bend line? 3 A. (In English without translation of question) 4 No. On the Honey line. 5 COURT REPORTER: Say the line again. 6 THE WITNESS: Honey line. 7 MS. CALEM: Honey line. 8 BY MS. CALEM: 9 Q. Okay. And did you go work on the Honey line with 10 him? 11 A. (In English without translation of question) 12 I mean, yeah. 13 (Sotto voce discussion between witness and 14 interpreter.) 15 A. They switching. They took him off on his job, 16 regular job, and they brought him to me where I 17 was and they put someone else on his place, on 18 his lane. 19 BY MS. CALEM: 20 Q. On this day in April, April 4th? 21 A. That was March 2nd. 22 Q. This in March 2nd, 2016? 23 A. (In English without translation of question) 24 Yep. 25 Q. Now, isn't it true that you had worked on the</p>	<p style="text-align: center;">160</p> <p>1 MS. CALEM: February and March? 2 THE INTERPRETER: Yeah. 3 BY MS. CALEM: 4 Q. Okay. And do you remember what days in February 5 and March you'd been asked to work with him? 6 A. I don't remember days. 7 Q. Okay. Do you think you were -- and you're 8 certain that you did not work with him in January 9 of 2016? 10 A. No. 11 Q. And was it Gary who assigned you to work with him 12 in February and March? 13 A. In February it was Rusty. 14 Q. Okay. 15 A. In March it was Gary. 16 Q. And did you tell them that you did not want to 17 work with Juan at that time? 18 A. I didn't have the choice. That's why I called 19 union. 20 Q. Well, I'm just asking in February and March, did 21 you say to Russ and Gary, I don't want to work 22 with him? 23 A. I didn't tell them -- I didn't tell them because 24 they knew what -- what has been said down in the 25 office, so since they knew it, I thought maybe</p>

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<p style="text-align: center;">161</p> <p>1 they did it on purpose, because if I go said it</p> <p>2 again, it would look like I'm bringing chaos in</p> <p>3 the company so I decided not to.</p> <p>4 Q. Do you have any other recordings besides this one</p> <p>5 with Ian?</p> <p>6 A. No.</p> <p>7 Q. Is there anything else you have in your</p> <p>8 possession that relates to this lawsuit that you</p> <p>9 haven't given us?</p> <p>10 A. There was some pictures that I sent to my lawyer</p> <p>11 from the picture that you shown yesterday, there</p> <p>12 was two more missing that I think was supposed to</p> <p>13 be on it.</p> <p>14 Q. What were they pictures of?</p> <p>15 A. It was a picture of me working alone by myself</p> <p>16 while the other employees, other coworkers was</p> <p>17 supposed to be there with me, while they were</p> <p>18 taken someplace else.</p> <p>19 THE WITNESS: Wait. (Speaking Swahili).</p> <p>20 A. We were three people working on a vat and then</p> <p>21 they came, take two people out of there and they</p> <p>22 left me alone right there.</p> <p>23 THE WITNESS: (Speaking Swahili).</p> <p>24 A. And they took them on the other place where there</p> <p>25 were three more people, including two of them,</p>	<p style="text-align: center;">163</p> <p>1 Yes, because they lied to me something I</p> <p>2 never done in the -- in the department, and they</p> <p>3 said, whatever this says, you have to be taken a</p> <p>4 picture because something's not real. They said</p> <p>5 that I'm the one who doing, and she told me, they</p> <p>6 said, you're not telling the truth, you have to</p> <p>7 take a picture and that's why I'm taking a</p> <p>8 picture.</p> <p>9 Q. Even though it's against the company rules to</p> <p>10 take pictures on the production floor?</p> <p>11 A. I don't know if it is written in a book, but I</p> <p>12 seen other people taking pictures.</p> <p>13 Q. You've seen the handbook where it says you're not</p> <p>14 allowed to take pictures, right?</p> <p>15 A. I'm sorry, I haven't seen it, but if you can show</p> <p>16 me, that would be perfect.</p> <p>17 Q. I can certainly show it to you. Okay. So</p> <p>18 when -- going back to this discussion in 2014</p> <p>19 about you and Juan, I just want to clarify. At</p> <p>20 that time, Scott offered you the opportunity to</p> <p>21 move to a different department where Juan would</p> <p>22 not work; is that right?</p> <p>23 A. Yes, it is true.</p> <p>24 Q. Okay. And normally you have to have a lot of</p> <p>25 seniority to pick another department; is that</p>
<p style="text-align: center;">162</p> <p>1 there were five, but the job was supposed to be</p> <p>2 doing by two people.</p> <p>3 THE WITNESS: (In English) Three.</p> <p>4 A. I mean three people instead of five.</p> <p>5 Q. Who took these pictures?</p> <p>6 A. Myself.</p> <p>7 Q. You took the pictures of you on the line</p> <p>8 yourself?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And when did you take these pictures?</p> <p>11 A. I can't tell you a date, but if you look on --</p> <p>12 look on when the picture was taken.</p> <p>13 Q. Do you remember what year it was?</p> <p>14 A. This -- this year of 2017.</p> <p>15 (Sotto voce discussion between witness and</p> <p>16 interpreter.)</p> <p>17 THE INTERPRETER: She said she's con -- she</p> <p>18 said she is confused. She went to mediation this</p> <p>19 year 2017.</p> <p>20 BY MS. CALEM:</p> <p>21 Q. In 2017, yes, we had the mediation. So it was</p> <p>22 after the mediation that you took that picture?</p> <p>23 A. (In English) Yes. (Through interpreter) Yes.</p> <p>24 Q. Because Ruby told you to take pictures?</p> <p>25 A. (In English without translation of question)</p>	<p style="text-align: center;">164</p> <p>1 right?</p> <p>2 A. He didn't tell me to pick which department I</p> <p>3 should go. He just said -- he just asked me if I</p> <p>4 would like to switch or to go to different</p> <p>5 department.</p> <p>6 Q. Right. And normally when you switch to a</p> <p>7 different department -- Well, strike that. Okay.</p> <p>8 So in February when Russ assigned you to work</p> <p>9 with Juan, was that before or after the Scott</p> <p>10 Genzler incident?</p> <p>11 THE INTERPRETER: (Translating) -- Genz</p> <p>12 Scott?</p> <p>13 MS. CALEM: Scott Genzler.</p> <p>14 A. He was -- the whole thing started happening after</p> <p>15 the incident between her and Scott Genzler.</p> <p>16 BY MS. CALEM:</p> <p>17 Q. Okay. And so you're saying Russ and Gary started</p> <p>18 assigning you to work with Scott -- with Juan</p> <p>19 after the Scott Genzler incident?</p> <p>20 A. (In English without translation of question)</p> <p>21 Yes.</p> <p>22 Q. And you're sure it didn't happen before that?</p> <p>23 A. When Scott put me as to be separate, like to</p> <p>24 separate, to work separate, and when he said if</p> <p>25 we bring more drama into the comp -- the</p>

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1 department, he's going to fire us, we didn't have
2 any issue.
3 Q. And you don't remember the specific date in
4 February that you were first told to work with
5 Juan again, do you?
6 THE WITNESS: February 2017?
7 THE INTERPRETER: Yeah, that's correct.
8 (Sotto voce discussion between witness and
9 interpreter.)
10 She's saying that in January that's when
11 Rusty --
12 THE WITNESS: Let me help him a little bit,
13 I'm sorry.
14 After this happened between me and Gonzales,
15 after this happened, I didn't know what happened
16 to the offices, I don't know what they said, and
17 I see they started sending me to -- to work with
18 the Juan and that's my reason I call the union,
19 BJ, and tell BJ, and think BJ, he came in the
20 office. That time we have another meeting, me
21 and Scott Reed and BJ, and Scott Reed started
22 telling BJ that I don't have a witness, and BJ
23 told him, I think I see paper here that says she
24 have two witness that say everything. And he
25 said, no, nobody said anything, just only -- but

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1 he said this woman here, means Yvette, she said
2 he make a statement, too, to her, means that he's
3 the one, he does. So Scott really tried to, you
4 know, to say nothing happened, nobody agree,
5 everybody was disagreeing so. And he -- and
6 Scott -- BJ said, no, this thing happened because
7 this person was Strum, he was here, it wasn't me,
8 and I can read the paper, I can read the paper.
9 So I'm thinking like Ian Strum's writing --
10 COURT REPORTER: The what? The what?
11 MS. CALEM: Strum.
12 COUR REPORTER: Ian Strum's writing?
13 THE WITNESS: Right.
14 I think the difference was Scott Reed is
15 writing, because when BJ saw on the paper the way
16 Scott Reed was talking, it was like kind of
17 different. Scott Reed was, like -- BJ was, like,
18 I'm reading on the paper right here.
19 BY MS. CALEM:
20 Q. Okay. Well, I know that during one of the
21 meetings in 2014, they reviewed the notes -- or
22 rather in 2016, they reviewed the notes from
23 2014, and I thought BJ agreed, man, there's
24 nothing in writing that says they're supposed to
25 be separate.

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1 THE WITNESS: (Speaking Swahili to
2 interpreter.)
3 THE INTERPRETER: Did BJ say that? She's
4 asking.
5 BY MS. CALEM:
6 Q. Yes. I'm asking if you remember, because the
7 notes say that BJ agreed, no, we don't have
8 anything in writing.
9 A. (In English without interpretation of question)
10 No. It was because BJ -- when Scott Reed
11 said I don't have a witnesses, BJ told Scott Reed
12 that this woman have wit -- it looks like she has
13 witnesses, and according to the paper Strum --
14 Strum -- Strum wrote, She has witnesses.
15 Q. Okay. Well, do you have anything that Ian Strum
16 wrote that says that you're never supposed to
17 work with Juan again?
18 A. I don't have anything else except that record.
19 Q. So you had to work with Juan again. Did he ever
20 make any other gestures to you?
21 A. The only thing that he showed was he was kind of
22 proud -- proud of it because they -- I wanted not
23 to work with him and, but they put us back
24 together so he -- he had that kind of manhood in
25 him, like I am the one, you are nothing

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1 (indicating).
2 Q. So you felt that was his attitude?
3 A. Yeah, that was -- that's how I felt. And even
4 his body language it shows that.
5 Q. Well, how did it show that?
6 THE INTERPRETER: She make hand gesture like
7 try to signal somebody and show her that she is
8 down like that (indicating).
9 BY MS. CALEM:
10 Q. I thought Juan didn't want to work with you?
11 A. They force him to come to work with me so I can
12 get upset and quit the job and go home.
13 Q. Well, did anybody tell you that or that's just
14 your opinion?
15 A. That's how it is because if you look at it, why
16 would -- why would they do that? Why would this
17 case and me and Scott Gonzales?
18 Q. All right. Did anybody ever tell you, oh,
19 they're forcing you to work with Juan because
20 they want you to?
21 A. What is the whole point of me working with Juan?
22 Juan -- why Juan do not want to work with him and
23 I don't want to work with him, what is the whole
24 concept?
25 Q. My question to you was, did anybody tell you that

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1 they're trying -- we want Juan to work with you
2 so you will quit?
3 A. Nobody told me that but Gary said, if you work --
4 if you make a mistake --
5 THE WITNESS: (Speaking Swahili).
6 A. -- if you work badly or make a mistake with Juan,
7 I'm going -- I'm going to fire you.
8 Q. When did Gary say that?
9 A. (In English without translation of question)
10 It was on the end April -- Oh, sorry.
11 (Through interpreter) At the end -- at the end of
12 February.
13 Q. End of February of what year?
14 A. (In English) 2017. (Through interpreter) And she
15 said they went to report to Tom --
16 Thomas, right?
17 THE WITNESS: Yeah.
18 A. -- to Thomas.
19 Q. So was anybody there when Gary said that to you?
20 A. It was three of us. It was me and Juan, because
21 Juan was reporting something, was reporting to --
22 about me to Gary and then Gary came and said
23 those words to me while the three of us.
24 Q. Is this when Juan complained that you were piling
25 too many pieces of meat on the rack in front of

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1 him?
2 A. Yes.
3 Q. And they were falling into the hopper in front of
4 him, making it hard for him to do his job? Is
5 that what he -- what his complaint was?
6 A. Yeah. That was his complaint, but it was an
7 issue because I was working normally, that how I
8 usually do.
9 Q. So you didn't agree with what he said but he made
10 that complaint about you, right?
11 A. Yeah. That was his complaint because he did not
12 want to work with me anyway.
13 Q. And you had picked that job that morning, hadn't
14 you, on that line with Juan?
15 A. Russ put me there.
16 Q. On January 10th, 2017, didn't you pick the job to
17 work with Juan on the line?
18 A. I was open worker, and if you're open worker,
19 they put you wherever they want. In the morning,
20 they say 7 to 8 they say you work there, and then
21 they come later, they'll say, go there, go there,
22 so I didn't have any choice.
23 Q. On Mondays, didn't you get to pick the job that
24 you wanted by seniority, though?
25 THE INTERPRETER: Sorry, I'm going to have

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1 her go slowly because I did not catch everything.
2 (Witness speaking in Swahili.)
3 A. On the day that I picked -- that I picked the job
4 to do was on Monday, but I don't remember the
5 day. It was at the Hand line, and because -- he
6 said that because of my -- since I have the
7 seniority, I am able to pick where -- where I
8 should work.
9 Q. Okay. Let's just go back to the issue of Juan.
10 Okay. So although you had to work with him, he
11 didn't touch you, did he?
12 A. When I was working with him on the Hand line, we
13 were too close to the point when he opened his
14 socks and I -- I --
15 THE WITNESS: (In English) Pick up the hams
16 to clip.
17 A. -- and I pick up the hams to clip, we would touch
18 each other.
19 Q. All right. You would bump elbows?
20 A. Yes.
21 Q. He didn't make any more sexual gestures, did he?
22 A. No. He didn't -- he didn't have any -- he didn't
23 do any sexual gesture, but the only thing he did
24 was those hand signs I shown like he signalled
25 people and showed them that I am like

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1 (indicating).
2 Q. He made a thumbs-down sign?
3 A. And that make me -- that make my heart beat
4 faster to the point where I went to hospital for
5 high blood pressure.
6 Q. Because he made a thumbs-down sign towards you?
7 A. Because he was signalling to people who are in
8 different lane, like on different side, and he
9 just, you know, signal like that (indicating) and
10 show them that I...
11 Q. That he would signal to other people, point at
12 you, and then make a thumbs-down sign?
13 A. Yeah. Yeah. That's how I -- and, yes, that's
14 what he did and then I felt like I'm -- I'm
15 nothing, I'm trash in that department.
16 Q. Okay. Is that why you took out a protective
17 order against Juan?
18 A. Yes.
19 Q. And you went to court and you asked that Juan be
20 kept 100 miles away from you?
21 A. I asked them not to be close with him but I did
22 not suggest how many miles away, miles to him.
23 MS. CALEM: I need to mark this next in
24 order.
25 (Naamwbe Deposition Exhibit 20 marked.)

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1 Q. If you'd take a look at Exhibit 20 and tell me if
2 you recognize this.
3 A. I know I went to ask for this restriction order.
4 Q. Did anybody accompany you when you went to court
5 to get this?
6 A. No.
7 Q. And then on the second to the last page --
8 Do you want to take a break?
9 THE INTERPRETER: (Translating.)
10 THE WITNESS: (No response.)
11 MS. CALEM: Let's take a break.
12 MS. POCHOP: Sala, you got to take off your
13 microphone.
14 THE VIDEOGRAPHER: Okay. We're going --
15 we're going off the record now. It's 2:15.
16 (A recess was taken at this time.)
17 VIDEOGRAPHER: Okay. We're back on the
18 record. It's now 2:23 p.m.
19 BY MS. CALEM:
20 Q. All right. We're back on the record. We were
21 talking about Exhibit 20, which is the protective
22 order. And if you could look at the next to last
23 page of this exhibit.
24 THE INTERPRETER: To last page, right?
25 MS. CALEM: Says page 3 at the bottom. It's

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1 the second to the last page of the exhibit.
2 A. (Complies.)
3 BY MS. CALEM:
4 Q. All right. This shows that you asked the Court,
5 says request for hearing and protection order,
6 asked the Court for a period of five years to
7 order that Juan not come within 100 miles of you.
8 Do you see that?
9 A. Yes, I do.
10 Q. And you made this request on that date?
11 A. Yes.
12 Q. All right. And I -- I apologize if you answered
13 this already. Did anyone come with you to court
14 when you did this?
15 A. I went there -- I went there by myself.
16 Q. All right. And after that, Juan didn't come to
17 work anymore, did he?
18 A. He -- he came and then for --
19 THE WITNESS: (In English) The next day he
20 came.
21 A. -- the next day he came.
22 THE WITNESS: (In English) Uh-uh.
23 (Speaking Swahili).
24 A. The next day he didn't come, sorry. And then
25 after that, the following day he showed up.

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1 THE WITNESS: (Speaking Swahili).
2 A. That was Monday and then Tuesday he never showed
3 up.
4 THE WITNESS: (Speaking Swahili).
5 A. I -- I heard that since he missed the second day,
6 HR called him and told him that he didn't call,
7 he didn't show up, and he -- for that reason, he
8 got fired. That's what I heard.
9 Q. How was he supposed to come to work if you had a
10 protective order saying he wasn't supposed to
11 come within 100 miles of you?
12 A. So from --
13 (Sotto voce discussion between witness and
14 interpreter.)
15 A. From Honey line to Great Bend line, what's the
16 distance that is in between? How many feet is
17 that?
18 Q. My question to you is -- Well, let's just strike
19 that. I'm not going to argue with you about it.
20 Did you hear from anyone that Juan was afraid to
21 come into work because of this protective order?
22 A. No. I never heard anything.
23 Q. If Juan was afraid to come into work because of
24 this protective order and lost his job --
25 Go ahead.

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1 THE INTERPRETER: (Interpreting).
2 Q. -- do you think that that is a fair result?
3 A. If they had had a job for him, my question is, do
4 the company do not have 100 feet?
5 THE WITNESS: (In English) They have 100
6 feet only, that whole company?
7 Q. This is 100 miles?
8 A. (In English without translation of question).
9 No. Maybe that was a mistake for my writing
10 English, but, no, I can't say mileage. How?
11 (Lisa Marso entered the room.)
12 Q. Can you look at page -- the same page again, next
13 to the last page.
14 (Translation in progress.)
15 Q. It says 100 miles, right?
16 A. I shouldn't -- I shouldn't do it like having him
17 losing his job writing, like, 100 miles. I
18 mean -- meant to write 100 feet, not 100 miles.
19 It says mileage but it was the English problem.
20 Q. Well, do you remember telling one of your doctors
21 that the man who was harassing you was fired for
22 sexual assault?
23 A. Yeah. I told the doctor because there was one
24 lady who Juan wanted to go out with, and the
25 woman did not like it so that's what I heard from

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<p style="text-align: center;">181</p> <p>1 ways you believe you were retaliated against was</p> <p>2 by being made to work with Juan. Is there any</p> <p>3 other way you think you were retaliated against?</p> <p>4 A. There is another incident that happened on</p> <p>5 March 2nd after the humiliation --</p> <p>6 MS. CALEM: Humiliation.</p> <p>7 A. -- and my -- my kid got sick.</p> <p>8 (Sotto voce discussion between witness and</p> <p>9 interpreter.)</p> <p>10 A. There regular -- like the regulation, there is a</p> <p>11 number that was given. There's a number on the</p> <p>12 ID. So there's a emergency -- if a child -- if a</p> <p>13 child -- or if there is some emergency happening</p> <p>14 at home, they're supposed to call the number and</p> <p>15 they're called personnel office and pass the</p> <p>16 message so the personnel might call on the floor</p> <p>17 and they notify the person who is -- who is</p> <p>18 wanted to go, if there's a child, to go back home</p> <p>19 and take the child to the hospital.</p> <p>20 On this day since this thing happened,</p> <p>21 Maggie called me so that I can take my child to</p> <p>22 hospital --</p> <p>23 COURT REPORTER: Say that again.</p> <p>24 A. Maggie called personnel office, personnel office</p> <p>25 to notify me that the child is sick. They told</p>	<p style="text-align: center;">183</p> <p>1 you got to leave your phone in the locker.</p> <p>2 Q. Well, you have your phone with you to take</p> <p>3 pictures, don't you?</p> <p>4 A. I started doing it because Ruby told me to take</p> <p>5 picture and then I -- it wasn't me -- I'm not the</p> <p>6 only one who carried the phone with me on the</p> <p>7 line. Seems like everybody has that --</p> <p>8 THE WITNESS: (Speaking in Swahili and</p> <p>9 English.)</p> <p>10 A. And there was somebody who had an iPod --</p> <p>11 MS. CALEM: I under -- yeah, I understood --</p> <p>12 COURT REPORTER: Well, I didn't. I --</p> <p>13 Go ahead.</p> <p>14 A. There was somebody who had an iPod with him and</p> <p>15 he took picture of me and then nothing happened</p> <p>16 to him, so because of it, I decided to carry the</p> <p>17 phone.</p> <p>18 Q. All right. Now, on this day March 2, 2017,</p> <p>19 Maggie told you that the personnel office said,</p> <p>20 no, we can't deliver the message?</p> <p>21 A. (In English without translation of question)</p> <p>22 Yes.</p> <p>23 Q. All right. And did you speak to anyone in the</p> <p>24 personnel office about that?</p> <p>25 A. (In English without translation of question)</p>
<p style="text-align: center;">182</p> <p>1 Maggie, no, we can't do that. Because that's how</p> <p>2 normally Maggie would do it, before she would do</p> <p>3 it. She would just call personnel and personnel</p> <p>4 would notify me and they will send me home to</p> <p>5 take the child to the hospital. But on that day,</p> <p>6 they told her, no, you're supposed to call her.</p> <p>7 And after that, Maggie had to -- she had no</p> <p>8 choice. She took the -- the child to hospital</p> <p>9 and I find out everything after I get off work.</p> <p>10 And then on the other days, I would see</p> <p>11 people leaving on the line and they were just,</p> <p>12 when I ask them, I'll ask them, where are you</p> <p>13 going? They were telling me that their child is</p> <p>14 sick, they got to take their child to the doctor.</p> <p>15 And then I started thinking, why do they do this</p> <p>16 to them but I never get -- they didn't -- they</p> <p>17 didn't do that to me. I -- I felt like they took</p> <p>18 away my right.</p> <p>19 Q. All right. So this is March 2, 2017, when Maggie</p> <p>20 tried to call you?</p> <p>21 A. Yes.</p> <p>22 Q. And which child was sick?</p> <p>23 A. Yaniki.</p> <p>24 Q. And did you have your phone on you that day?</p> <p>25 A. I didn't have the phone on me because the rule is</p>	<p style="text-align: center;">184</p> <p>1 I'm not supposed to speak to anybody because</p> <p>2 that's their position --</p> <p>3 Q. My question is, did you go to the personnel</p> <p>4 office and ask about it?</p> <p>5 A. (In English without translation of question)</p> <p>6 No.</p> <p>7 Q. All right. And you said you saw other people</p> <p>8 leaving and they said their child is sick?</p> <p>9 A. (In English without translation of question)</p> <p>10 Yes.</p> <p>11 Q. Tell me which people you saw leaving and when it</p> <p>12 happened.</p> <p>13 A. (In English without translation of question)</p> <p>14 Employees.</p> <p>15 Q. Which ones?</p> <p>16 A. (In English without translation of question)</p> <p>17 I don't have to say their names.</p> <p>18 MS. POCHOP: Yes, you do.</p> <p>19 THE WITNESS: Do I?</p> <p>20 MS. POCHOP: Yep.</p> <p>21 A. I can say they are womans.</p> <p>22 Q. I'd like to know the names and when this</p> <p>23 happened.</p> <p>24 A. (In English without translation of question)</p> <p>25 The names and when this happened?</p>

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<p style="text-align: center;">189</p> <p>1 Other employees.</p> <p>2 Q. Which ones?</p> <p>3 A. (In English without translation of question)</p> <p>4 Which ones? Analem (sp).</p> <p>5 Q. Analem told you?</p> <p>6 A. (In English without translation of question)</p> <p>7 Yeah.</p> <p>8 Q. Okay. So Analem told you Kamesu got a call, she</p> <p>9 had to go home because her child was sick?</p> <p>10 A. (In English without translation of question)</p> <p>11 I told you I can't -- I'm not for sure if it</p> <p>12 was Kamesu and Elda, but I knew somebody was</p> <p>13 called after mediation that he got an emergency</p> <p>14 home, or she.</p> <p>15 Q. All right. And Analem told you about this?</p> <p>16 A. (In English without translation of question)</p> <p>17 Yeah. It's not -- We can see -- we can see</p> <p>18 in our eyes when Lisa, she came with the note,</p> <p>19 you have to go call this number, you have an</p> <p>20 emergency at home.</p> <p>21 Q. And other than that one occasion where your</p> <p>22 Maggie said they would not deliver a message to</p> <p>23 you, did Maggie tell you who she spoke to in</p> <p>24 personnel?</p> <p>25 THE INTERPRETER: Repeat that question,</p>	<p style="text-align: center;">191</p> <p>1 A. They haven't called -- it hadn't happened yet.</p> <p>2 They haven't (inaudible) --</p> <p>3 COURT REPORTER: They haven't what?</p> <p>4 THE INTERPRETER: They haven't called.</p> <p>5 BY MS. CALEM:</p> <p>6 Q. And on that occasion when you found out that your</p> <p>7 child had gone to the hospital, was the child</p> <p>8 admitted to the hospital?</p> <p>9 A. She took her to the clinic but they couldn't hurt</p> <p>10 [sic] because Maggie is not a parent of the</p> <p>11 child.</p> <p>12 Q. So when you came -- when you finished with work,</p> <p>13 did you have to take your child to the doctor?</p> <p>14 A. I went to the pharmacy and get some meds and give</p> <p>15 to her.</p> <p>16 Q. Is there any other example of how you believe you</p> <p>17 were retaliated against?</p> <p>18 A. There was -- it was somewhere in August, between</p> <p>19 the 23rd and 28th, one time they gave me eight</p> <p>20 vats --</p> <p>21 Q. Eight vats?</p> <p>22 A. -- eight vats --</p> <p>23 THE WITNESS: (In English) Of Arby's.</p> <p>24 A. -- of Arby's to do it by myself. And I tried to</p> <p>25 seek help and they refuse to -- no to anyone who</p>
<p style="text-align: center;">190</p> <p>1 please.</p> <p>2 BY MS. CALEM:</p> <p>3 Q. Did Maggie tell you who she spoke to in</p> <p>4 personnel?</p> <p>5 A. I don't remember the name exactly, but it started</p> <p>6 with K, KK, something like that. I tried to save</p> <p>7 the number on the old phone but the phone was --</p> <p>8 the phone has got screwed.</p> <p>9 THE WITNESS: (In English) Messed up.</p> <p>10 A. It's kind of messed up so I don't have the number</p> <p>11 but I save on my other phone.</p> <p>12 Q. You saved it on your own phone?</p> <p>13 THE INTERPRETER: The old one.</p> <p>14 BY MS. CALEM:</p> <p>15 Q. The old one, okay.</p> <p>16 A. (In English, without interpretation)</p> <p>17 I was going to save it but my phone got</p> <p>18 messed up. The day I got suspended three days, I</p> <p>19 was -- my mind was going crazy and, I don't know,</p> <p>20 I was in the bathroom. When I come out, my phone</p> <p>21 was deep inside the bathroom so it messed up</p> <p>22 and....</p> <p>23 Q. All right. Was there any other occasion on which</p> <p>24 your children were sick and you did not get</p> <p>25 notification?</p>	<p style="text-align: center;">192</p> <p>1 wanted to help and they told them I do not need</p> <p>2 help.</p> <p>3 COURT REPORTER: Okay. You say eight vats</p> <p>4 of?</p> <p>5 THE WITNESS: (In English) Arby's.</p> <p>6 MS. CALEM: Do you mean ribs?</p> <p>7 THE WITNESS: (In English) No. Arby's.</p> <p>8 MS. CALEM: Arby's?</p> <p>9 THE WITNESS: (In English) In some -- some</p> <p>10 production is big like this, so you have to take</p> <p>11 one and by one (indicating), put on the table,</p> <p>12 but usually it must do two people because it</p> <p>13 heavy meat with a small hook and a long hook, so</p> <p>14 you have to be dig inside and put on the table so</p> <p>15 they always put the one this side and other this</p> <p>16 side. But that day, people that was leaving go</p> <p>17 home, Honey line, they was already finished. And</p> <p>18 I ask help. They say, no, you don't need the</p> <p>19 help. And people, they want to say to make hours</p> <p>20 to work, even her (indicating), she ask, I can</p> <p>21 stay? Lisa, she said, no, you don't have to</p> <p>22 stay. She fine and she can do by herself.</p> <p>23 And I ask Thomas Zuroff. He said, well, she</p> <p>24 said we can't -- we can't do anything, we have to</p> <p>25 go home. So I'm left there by myself and work</p>

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1 eight vats by myself.

2 Q. All right. And this -- is this Lisa who assigned

3 you to this work?

4 A. (In English without translation of question)

5 Right. That was with Gary.

6 Q. Okay. And you filed a grievance over this,

7 right?

8 A. (In English without translation of question)

9 Right.

10 MS. CALEM: All right. So let's make that

11 grievance an exhibit.

12 (Naambwe Deposition Exhibit 21 marked.)

13 Q. Okay. So I think the day that that happened was

14 August 22 or 23.

15 A. On the 22nd is the day that I was being left --

16 left alone working by myself, and then on the

17 23rd, the same thing happened because there

18 were --

19 Two people, right?

20 THE WITNESS: (In English) Yeah.

21 A. -- there were two people working on five vats,

22 and I had to call BJ to come witness with his own

23 eyes what -- what's going on.

24 Q. So on the 22nd you were on your own. On the 23rd

25 there were a lot of people working?

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1 A. Two people on the vats.

2 Q. Okay. And are the vats of Arby's meat, is that

3 something that's done every day?

4 THE INTERPRETER: She said in the slow time

5 like this, we do -- we do -- we do work on

6 these -- on these --

7 THE WITNESS: (In English) Arby's.

8 A. -- Arby's and the ribs, like, for a month or

9 weeks working on them --

10 (Sotto voce discussion between witness and

11 interpreter.)

12 A. -- and on the busy time, we don't see them, they

13 just disappear.

14 BY MS. CALEM:

15 Q. All right. And sometimes it's busy and the lines

16 are running and there's also Arby's work to do,

17 right?

18 A. Yeah. We seen they Arby's when we slow. Like

19 the time, you know, when we don't have -- when

20 the --

21 I don't know what she means.

22 -- when there is not a whole lot of work so

23 they send the Arby's and then other times they

24 disappear.

25 Q. And to do this work, you take a hook and pick up

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1 the meat out of the vat?

2 A. So some device are taller than the other. Some

3 of them are just this tall and some of them will

4 be just right on the stomach (indicating). And

5 when the vats is -- is full, it's much easier to

6 use the little hook and, you know, drop on the --

7 on the table, but when it's going down, it's much

8 harder because you got to use the long hook to

9 get it up and to use the small hook to throw it

10 on the table.

11 Q. All right. And once you throw the meat on the

12 table, what are you supposed to do with it?

13 A. Once you -- you drop them or you put them on the

14 table, there is two other guys that are supposed

15 to hang them on -- on the tree. So your job is

16 to make sure it did not stop it or slowing down.

17 You got to make sure they having something to do.

18 Q. Now, have you ever seen anybody work on the

19 Arby's by themselves?

20 A. After -- after my complaint, I saw --

21 Who?

22 THE WITNESS: (In English) Becky.

23 A. -- I saw Becky doing it, but the difference was

24 Becky had one person hanging the meat on the tree

25 and she was by herself on the vats, you know,

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1 putting the meat on the table which is different

2 than I have two people hanging meat on the tree

3 where I'm pulling those meat by myself.

4 Q. Okay. So you saw Becky doing it alone but she

5 only had one person hanging the meat on the

6 trees, you had two. Is that what you're saying?

7 A. (In English) Yeah. (Through interpreter) Yes.

8 Q. And did you ever see Wally Mohammed doing this

9 alone?

10 A. I don't know because where we are, there is a

11 wall that is between us. That means you can't

12 see what's going on on the other side.

13 Q. So it's possible other people did this by

14 themselves, isn't it?

15 A. After my complaint, my complaint, it seems like

16 they started doing it but before, before that, it

17 never -- it never occurred, it never happened.

18 Q. You never saw anyone working on it?

19 A. (In English without translation of question)

20 No, before, no, never.

21 Q. But is it possible they did it and you just

22 didn't see it?

23 A. (In English without translation of question)

24 No.

25 (Sotto voce discussion between witness and

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1 interpreter.)

2 A. If -- if it would happen, like, one of -- you

3 know, if it happen, if I was there, I will

4 just -- I will have seen it before, but the

5 reason why I call BJ is because I never seen

6 somebody doing that before.

7 Q. And so Exhibit 21 is the grievance that you

8 filed?

9 A. Yes.

10 Q. And Monica Derby did an investigation, didn't

11 she?

12 A. I don't even know, who's Monica?

13 Q. Monica Derby in human resources?

14 A. I only know Scott Reed and Carrie. Those are the

15 only two people that I know.

16 Q. Okay. Well, there's some notes from human

17 resources and Monica's notes saying that she had

18 interviewed people relating to your grievance.

19 And then it says she met with you and BJ and Tom

20 Zuroff and Tom Anderson afterwards to talk about

21 the grievance.

22 No, I'm sorry, let me take that back. She

23 says she met with you and BJ and Lisa Christion

24 to talk about the grievance. You don't remember

25 that?

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1 A. I never sat down with Lisa in any room anywhere

2 to discuss about --

3 Q. Okay.

4 A. -- anything.

5 Q. Okay. So maybe I'm wrong on these notes.

6 Afterwards, do you remember any discussion with

7 anybody about your grievance?

8 A. I went to talk to the union because I wanted a

9 copy of it, of this -- this complaint, and

10 because HR, they never, ever give me -- every

11 time I take down a complaint, they never, ever

12 make a copy on me. They only copy they do, they

13 make one copy there. They're supposed to make

14 copy one for them, the original for them, the

15 copy -- one copy to the union, and then a copy to

16 me. So I went to the union after this to get

17 this copy because I knew HR would never give me a

18 copy.

19 MS. CALEM: Okay. Can we mark this next in

20 order, please.

21 (Naambwe Deposition Exhibit 22 marked.)

22 Q. Exhibit 22 is a document that you may not have

23 seen before but it's a memo from Monica. And

24 it's a memo to Scott Reed, and it says that

25 Monica Derby met with BJ, Tom Zuroff, David

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1 Hillberg, Gary Loger and Sala Naambwe in human

2 resources on September 12th, 2016. Do you

3 remember that meeting?

4 A. Never.

5 Q. Can you look at this document, look at the first

6 sentence.

7 (Sotto voce discussion between witness and

8 interpreter.)

9 A. I have never sat down with -- in a conference

10 like -- like how it is written here in a meeting

11 with me and these people right here. The only

12 time that HR is when I go down to HR, I talk to

13 Scott Reed.

14 Q. Do you remember on any occasion Monica telling

15 you or anybody telling you that they had reviewed

16 the payroll for August 22nd to see how many

17 people were available to work that day?

18 (Interpretation in progress.)

19 THE INTERPRETER: The payroll for?

20 MS. CALEM: They reviewed the payroll for

21 the department to see how many people were

22 available on August 22nd.

23 A. I don't know anything about payroll because we

24 never discuss about salaries.

25 Q. No. I'm not talking about salaries. I'm just

200

1 saying, do you remember Monica said she checked

2 the payroll to see how many people were working

3 on August 22nd?

4 A. When? When did this happen?

5 Q. Well, you say you don't remember this meeting.

6 The notes show she gave you this information at a

7 meeting. You say you didn't go to that meeting,

8 so I'm just asking you whether Monica told you

9 that there weren't so many people available in

10 the department that day and she knew because she

11 looked at the payroll.

12 A. The only -- the only meeting that I can recall is

13 a meeting that I had, me and Scott Reed and there

14 was another lady that I -- that I saw for the

15 first time, I can't remember her, but that

16 meeting was because of my attendance because she

17 had a paper and she was showing me the other

18 employees are working nine hours but I'm working

19 less than nine hours. Then I told her that I'm

20 sick, I'm always -- I'm taking -- I mean, I'm

21 punching out to go to hospital and that is when I

22 got suspension for my -- for my attendance.

23 That's the only meeting that I recall can Scott

24 Reed.

25 Q. Well, I'm going to read a little bit of

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<p style="text-align: center;">201</p> <p>1 Exhibit 22 and you tell me if you remember 2 anything, like any conversation of this sort. 3 A. Yes. 4 Q. All right. So this memo from Monica says, I 5 began by informing Sala that BJ and I have spent 6 much time on her concern and have conducted a 7 thorough investigation. BJ asked Sala to explain 8 her grievance and Sala expressed that she was 9 working by herself Monday on Arby's and on 10 Wednesday they had four people. She asked for 11 help but others had been sent home. 12 All right. That was your grievance, right, 13 that you were working by yourself? 14 A. Yes. 15 Q. Okay. And do you remember Monica saying that she 16 and BJ had done an investigation? 17 A. Now, for this grievance I remember. 18 (Sotto voce discussion between witness and 19 interpreter.) 20 A. The personnel office called me. They call me, I 21 was working, and then I went downstairs and they 22 told me that I was -- I was wanted and then they 23 send me to Carrie, and then Carrie did not want 24 to speak to me. She send -- she send me to 25 Monica, and I went to Monica and --</p>	<p style="text-align: center;">203</p> <p>1 or no. 2 A. Yes, it is made up. 3 Q. Okay. On the day that you were working by 4 yourself on Arby's, isn't it true that seven 5 people were on leave that day? 6 THE INTERPRETER: The whole Honey line was 7 gone, she said. 8 BY MS. CALEM: 9 Q. My question was, on that day, do you know if 10 seven people were on leave, they were on 11 vacation? 12 A. I don't know. 13 Q. All right. And did you know that when they 14 checked people's hours, there were nine people 15 who had worked only a little bit less time than 16 you? 17 A. I don't know. 18 Q. Is the Arby's work assigned based on seniority? 19 A. No. 20 Q. No? 21 A. (In English without translation of question) 22 No. 23 THE INTERPRETER: Arby's is a -- she say, is 24 a job when -- when people are -- they have extra 25 people, they send them to do it. It doesn't</p>
<p style="text-align: center;">202</p> <p>1 (Sotto voce discussion between witness and 2 interpreter.) 3 A. -- and I found she had the grievance complaint on 4 his desk so she asked me, do you know anything 5 about this, and I say yes. And then she said, 6 yes, I see your complaint, you're complaining, 7 I'm going to working on it, I will let you know. 8 And since that day, I never know what's going on, 9 what's happened. 10 Q. All right. So Monica wrote this whole memo dated 11 September 12th and you're saying that Monica made 12 that all up? 13 A. She said I was told to speak the truth when -- 14 when they oathed me so I'm speaking the truth. I 15 am personally called BJ and BJ showing what -- 16 what they doing to me. I'm the one who made that 17 complaint. Since that day, I never -- I never 18 sat down with these people that you have names 19 down. The only time that I see -- that I sat 20 down with -- 21 THE WITNESS: (In English) Zuroff. 22 A. -- Zuroff is when the incident happened between 23 me and Scott Gonzales. After that time, I never, 24 ever sat down with these people. 25 Q. So you're saying that this is all made up? Yes</p>	<p style="text-align: center;">204</p> <p>1 mean -- the people -- 2 You can't sign up for Arby's, is that what 3 you -- 4 THE WITNESS: (In English) No, you can't. 5 A. -- you cannot sign up for Arby's because that's 6 not a job that's always there so the people that 7 like to do it -- 8 (Sotto voce discussion between witness and 9 interpreter.) 10 THE WITNESS: (In English) No. They -- 11 they -- the supervisor or the team leader, she is 12 the one, she know who's going to send it to that 13 job to do it. 14 BY MS. CALEM: 15 Q. And if there's a choice between two people and 16 one has more seniority, will the person with less 17 seniority get sent to Arby's? 18 A. I don't think they care about seniority in my 19 department. They just, whatever they put you to 20 work is -- wherever they put you is where you go. 21 Q. All right. Is there any other incident that you 22 consider to be retaliatory? 23 A. There was one time Gary, he was doing -- 24 (Sotto voce discussion between witness and 25 interpreter.)</p>

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1 A. It was an easy job that I was doing.
2 THE INTERPRETER: I don't know how I can
3 explain, but she said she was doing the meat --
4 what do you call it -- she was doing the meat
5 like this. I don't know how you call it. And --
6 Q. Wait. She was doing meat like this?
7 A. ((In English) The hams. (Through interpreter) The
8 ham.
9 Q. Ham?
10 A. (In English without translation of question).
11 Yeah, because on the Handy line, when
12 somebody clip hams, so because the machine was
13 dead, they -- you have to squeeze the meat like
14 this (indicating) to make, you know.
15 Q. Okay. So you were sort of massaging the meat by
16 hand?
17 A. (In English without translation of question).
18 Yeah, massage meat by hand. So you push on
19 trim med, and that's the job I was doing --
20 Q. Okay.
21 A. -- and Gary bring a brown helmet, she just have
22 one, like, two week -- two weeks, and she bring
23 it over there and told me to go to Grade 3. And
24 I said --
25 COURT REPORTER: To where?

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1 THE WITNESS: Grade 3.
2 THE INTERPRETER: She said Grade 3.
3 COURT REPORTER: Grade 3?
4 THE WITNESS: Yeah.
5 A. -- and I said, no, I worked at that job before
6 and she can't come taking my job when I'm high
7 seniority. She just brown helmet so she can go
8 do the Gauge [sic] 2. She said, oh, you don't
9 want to do high job, don't you? I said, no, I'm
10 -- yes, I do, you know I do, but I'm just telling
11 you, she's -- she's a high -- a low seniority,
12 she's new department, so she can do that job
13 because we did, all of us, we did. And, okay, I
14 have a shit. You going to work and that shit is
15 going to shit all over you. And, yes, and he
16 gave me --
17 COURT REPORTER: Can you say that --
18 THE INTERPRETER: She say, I have a shit?
19 THE WITNESS: (In English) Yes, I have the
20 shit and you're going to work that shit and it's
21 going to shit all over you.
22 COURT REPORTER: I have the shit and you're
23 going to work the shit and it's going to shit all
24 over you?
25 THE WITNESS: (In English) Yes.

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1 And, yes, he put me in the alley, you know,
2 in the room, hams room. It was some spray, black
3 spray so you spray on top of alley. I was work
4 with the Gonzales and, you know, I have allergy
5 with something like that. So whatever Gonzales,
6 he sprayed, some -- some spray come to my face
7 and I was -- yes, it was -- all over my body was
8 the -- all the plastic and my helmet. It was
9 black, black, like that shit is shit, you know.
10 COURT REPORTER: What?
11 THE WITNESS: He say he got the shit and is
12 going to shit all over me, yes, it was all over
13 me and I got sick.
14 (Sotto voce discussion between witness and
15 interpreter.)
16 A. After he told me that he's going to, like,
17 whatever, he made that comment he's going to shit
18 on me, he put me in a room where there is
19 something like liquid and stuff where you put
20 it -- you put on --
21 THE WITNESS: (In English) On some machine.
22 Q. -- on some machine --
23 THE WITNESS: (In English) On some machine.
24 A. -- and then you spray it on -- you spray that
25 on --

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1 THE WITNESS: (In English) On top of Arby's.
2 A. -- on top of Arby's. That's the room where he
3 put me in, me and -- who?
4 Gonzales?
5 THE WITNESS: (In English) Scott Gonzales.
6 A. -- yes, Scott Gonzales.
7 Q. Scott Genzler?
8 A. (In English without translation of question)
9 Uh-huh.
10 Q. Okay. When did this happen?
11 A. I don't remember, I promise, but I know it was
12 2016.
13 THE INTERPRETER: It was 2016.
14 THE WITNESS: Uh-huh.
15 BY MS. CALEM:
16 Q. All right. So you said you were doing the
17 massaging ham job and Gary brought over somebody
18 who was new, a brown helmet, to do the job and
19 sent you to do something else?
20 A. (In English without translation of question)
21 Right.
22 Q. And you argued with him, you said didn't want to
23 do the other job, and she was -- and you had more
24 seniority so you shouldn't have to?
25 A. (In English without translation of question).

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<p style="text-align: center;">209</p> <p>1 Yeah. I told him I'm high seniority and I</p> <p>2 pick up on my job in the morning, she just come</p> <p>3 up there so she can go over there. He didn't</p> <p>4 like me to say that.</p> <p>5 Q. Gary doesn't like to be argued with, right?</p> <p>6 A. (In English without translation of question)</p> <p>7 No. I wasn't arguing. I was just telling</p> <p>8 him the truth, because we have to follow the</p> <p>9 rules. Seniority is seniority and low seniority</p> <p>10 is low seniority.</p> <p>11 Q. Well, is it possible that the brown helmet wasn't</p> <p>12 able to do the other job for some reason?</p> <p>13 A. (In English without translation of question)</p> <p>14 Sure, she's grown woman.</p> <p>15 Q. She's what?</p> <p>16 (Sotto voce discussion between witness and</p> <p>17 interpreter.)</p> <p>18 THE INTERPRETER: Let me explain the</p> <p>19 question again because....</p> <p>20 (Sotto voce discussion between witness and</p> <p>21 interpreter.)</p> <p>22 THE INTERPRETER: She said she don't know if</p> <p>23 that person was unable to do the job, because</p> <p>24 what I know, if you come to the job, if you come</p> <p>25 to the company, you come there to work, so.</p>	<p style="text-align: center;">211</p> <p>1 And then place them in the room.</p> <p>2 COURT REPORTER: And what them in the room?</p> <p>3 MS. CALEM: They placed them in the room.</p> <p>4 COURT REPORTER: They placed them in the</p> <p>5 room, thank you.</p> <p>6 A. That's where he send me to work.</p> <p>7 Q. And what were you spraying -- if there was meat</p> <p>8 in the room, what were you spraying?</p> <p>9 A. I was spraying -- I was spraying to those Arby's.</p> <p>10 Q. Spraying the actual meat?</p> <p>11 A. (In English without translation of question)</p> <p>12 Uh-huh.</p> <p>13 Q. And you said there was -- it was black, whatever</p> <p>14 you sprayed was black?</p> <p>15 A. (In English without translation of question)</p> <p>16 Like this (indicating).</p> <p>17 Q. And it got all over you?</p> <p>18 A. (In English without translation of question)</p> <p>19 Yep.</p> <p>20 Q. And you were wearing your plastic and your</p> <p>21 goggles and your helmet, right?</p> <p>22 A. (In English without translation of question)</p> <p>23 You can't wear plastic on the helmet. You</p> <p>24 just put on top.</p> <p>25 Q. Put the helmet.</p>
<p style="text-align: center;">210</p> <p>1 BY MS. CALEM:</p> <p>2 Q. All right. Did you ask Gary why he was having</p> <p>3 the brown helmet do your easy job and sending you</p> <p>4 to do the other job?</p> <p>5 A. I ask him and he said -- he answered that I say</p> <p>6 what I say, you have to do what I say.</p> <p>7 Q. So you asked him why --</p> <p>8 THE WITNESS: (Response in Swahili.)</p> <p>9 Q. Yes?</p> <p>10 THE INTERPRETER: And he answered -- Yes.</p> <p>11 BY MS. CALEM:</p> <p>12 Q. And he answered you just have to do what I say?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. And then instead of taking the job he</p> <p>15 wanted to assign you, he gave you another job</p> <p>16 where you had to spray black paint?</p> <p>17 A. Yes.</p> <p>18 Q. And it was in a room with, you said something</p> <p>19 about Arby's?</p> <p>20 A. After the meat are hanging on a --</p> <p>21 On a tree, right?</p> <p>22 THE WITNESS: Uh-huh.</p> <p>23 A. -- they -- they put them on the scale.</p> <p>24 Q. On the scale?</p> <p>25 A. (In English) Yes. (Through interpreter) Yes.</p>	<p style="text-align: center;">212</p> <p>1 A. (In English without translation of question)</p> <p>2 Uh-huh.</p> <p>3 Q. And Scott Genzler was doing it with you.</p> <p>4 A. (In English without translation of question)</p> <p>5 Yes.</p> <p>6 Q. Have you ever seen anybody else do this job?</p> <p>7 A. (In English without translation of question)</p> <p>8 Like a woman?</p> <p>9 Q. Anybody.</p> <p>10 A. (In English without translation of question)</p> <p>11 Only men.</p> <p>12 Q. How do you know who's done the job if it's in a</p> <p>13 separate room?</p> <p>14 THE INTERPRETER: She said sometime they</p> <p>15 will see it while they go to -- on a break or</p> <p>16 sometime when they're waiting for more Arby's to</p> <p>17 go in, to go in the room, they will see them</p> <p>18 coming out. That's how they --</p> <p>19 BY MS. CALEM:</p> <p>20 Q. And you've only seen men do this?</p> <p>21 A. Yeah, only seen men do this.</p> <p>22 Q. Now, was Gary involved in this Scott Genzler</p> <p>23 incident at all?</p> <p>24 THE INTERPRETER: Was?</p> <p>25 BY MS. CALEM:</p>

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1 Q. Was Gary involved in the incident with Scott
2 Genzler?
3 A. He's a supervisor. He didn't want to have
4 anything to do but he knew because he was a
5 supervisor.
6 Q. But he was not involved in any of the activities
7 that took place afterwards, right?
8 A. Can you repeat again?
9 Q. Yeah. I mean, you had a lot of meetings
10 afterwards, after this incident, discussions in
11 the department. Gary was not part of that,
12 right?
13 A. (In English without translation of question)
14 No, but Scott Gonzales.
15 Q. Everybody else. You just assumed Gary knew about
16 the incident with Scott Genzler because that's a
17 supervisor?
18 A. (In English without translation of question).
19 Yeah, he know everything.
20 Q. Okay. And that happened one time in 2016,
21 correct?
22 A. Yeah.
23 Q. Did it happen any other time?
24 A. (In English without translation of question)
25 Yeah. Another time he told me to put the

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1 net -- Great Bend line net --
2 COURT REPORTER: The what? The Great --
3 A. -- the Great Bend line net.
4 And that was a Grade 3 again and I never see
5 any woman do that job. And I said why are you
6 sending me over there to do that job, and I never
7 see any woman do this job. You have to do it.
8 And I said, no, I can't do it. It's men job and
9 it's Grade 3 and you never pay me. Even I work a
10 Grade 3, you never pay me so find some man to do
11 this job because I never see any woman do this
12 job. How you see me, I look like a man to do
13 this job? So he got mad.
14 Q. When was this?
15 A. (In English without translation of question)
16 2016. I can't -- in 2016, too many things
17 happened, too much, so.
18 Q. You don't remember when in 2016?
19 A. (In English without translation of question)
20 No. I know it was 2016.
21 Q. So Gary told you to put nets on the Great Bend
22 line and you said, no, that's a job for a man?
23 A. (In English without translation of question)
24 It was -- it was a job Great Bend line, but
25 that time it was on Handy line, because Great

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1 Bend line -- if the Handy line, if they don't
2 have the ham, they bring Great Bend line to the
3 production and work on the Handy line, so on that
4 time we work on the Handy line.
5 Q. You were on the Hand line?
6 A. (In English without translation of question)
7 Yeah.
8 Q. Okay. And he told you to put the nets on?
9 A. (In English without translation of question)
10 Right.
11 Q. And you said, no, only men do that job; is that
12 right?
13 A. (In English without translation of question)
14 Yeah, because there's many job Grade 3, and
15 no woman, I never saw any woman do that job
16 except only me, he wanted me to do that job.
17 Q. Okay. And did you do the job?
18 A. (In English without translation of question)
19 No, I didn't do it. Because I didn't have a
20 choice, that's that day I learn, I asked Elda
21 because when they do, like, PT some production I
22 know, PT, they have some horn you can take, like,
23 a net and push it like this (indicating) and
24 hands like this and it's kind of, like, easier,
25 but when Great Bend line come, they remove --

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1 they remove the -- the things.
2 So that day I wasn't have a choice and I
3 tell Elda, please, wait, let me try. So I tried
4 that meat and I push it like that (indicating),
5 oh, it's easy. So I keep working that job
6 because still now, still now they still do the
7 same thing the same way I used to do I tried that
8 day, because it was hard to me and my mind told
9 me, try to do this. When I try, it came okay.
10 And still now, they take my idea, that's how the
11 work is still now.
12 Q. So you did do the job?
13 A. (In English without translation of question)
14 Yes, I did.
15 Q. And you figured out a different way to put the
16 nets on?
17 A. (In English without translation of question)
18 Right.
19 Q. Okay. And it wasn't so hard when you used your
20 technique?
21 A. (In English without translation of question)
22 No. It was easy to me.
23 Q. All right. So although you argued with Gary, you
24 ended up doing the job that day?
25 A. (In English without translation of question)

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1 No. I wasn't argue. I just tell him, I say
2 Gary -- and I ask him, I said, Gary, why did you
3 do this to me? I am a woman and this is a man
4 job. You have too much mens here, why you can't
5 call the one man. He said, I said what I said
6 and you have to do whatever I say. So I was,
7 like, this is kind of like maybe they want to
8 fire me because I didn't want to work to do this
9 job, because last time he did that and I said no,
10 he put me somewhere else. No, I don't want to go
11 somewhere like that. And my mind told me, try to
12 put the net like this. So when I put it like
13 this, and I told Elda, try it and see how it's
14 going to come, when she tried, oh, my gosh, it
15 was good and now they take that idea. Even a
16 woman can do that job for them now.
17 But Great Bend line, no. It's only for men
18 because something big like this (indicating), and
19 when you put it like this (indicating), it hurt.
20 You might be feel this (indicating) hurt, your
21 nail, it's a hard job.
22 Q. So you're saying putting socks on the Great Bend
23 line is hard?
24 A. (In English without translation of question).
25 It is.

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1 Q. Okay. And you were actually -- you did it on the
2 Hand line that day?
3 A. (In English without translation of question)
4 Huh?
5 Q. When you actually did the job and you said it was
6 easy, that was on the Hand line?
7 A. (In English without translation of question)
8 Yes.
9 Q. All right. And this was one time in 2016?
10 A. (In English without translation of question)
11 Uh-huh.
12 Q. Did you report this incident to human resources?
13 A. (In English without translation of question)
14 No.
15 Q. Did you report it to the union?
16 A. (In English without translation of question)
17 I told the union, but I said it's okay but I
18 told them to let them know what is going on
19 inside the department.
20 Q. Okay. What else happened that you consider to be
21 retaliation?
22 A. (In English without translation of question)
23 There's too much.
24 Q. I need to know.
25 A. (In English without translation of question)

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1 Gary keep yelling me, I think it was March
2 what, when I got a suspending. It was ten days
3 of suspending. It was in the morning, because to
4 fight for my high seniority right, that job I
5 was -- because he said that -- Scott Reed says if
6 you pick a job on Mondays, it's your job the
7 whole week. And that job was already worked --
8 worked like five weeks.
9 Oh, I'm sorry, I take your job.
10 THE INTERPRETER: Go ahead.
11 THE WITNESS: (In English) No. Let me --
12 let me tell him.
13 (Sotto voce discussion between witness and
14 interpreter.)
15 A. On this job was -- this incident, so Gary in the
16 morning, he said, if you have senility [sic] --
17 Q. Seniority.
18 A. -- seniority stature, you -- you have a right to
19 pick any job on Monday morning in the morning,
20 and if you pick that job, you have a right to do
21 it same job the whole week. Because it was open
22 work, I was on that job for five weeks. I don't
23 know it happened or how Gary work up. He came
24 and brought somebody who only for a month in the
25 company to replace me at that position.

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1 Q. Who was that person?
2 A. (In English without translation of question)
3 I'm sorry, I remember. It was Lorena. She
4 had her own job, her own assigned job, so she
5 took me to work at Grade -- he took me to work at
6 Grade 3 and took Lorena on her job to come pick
7 up on my job. I know Lorena, she's high
8 seniority but she have her own job, assigned job.
9 So I was, like, why he took somebody on her job
10 and come to replace me on my job I already work
11 five weeks. So I ask him that. He was upset.
12 So Lorena, she started work horn, put the
13 net on the horn because I don't know if she was
14 upset because I was doing that job. He told --
15 he told Lorena, go tell her to put the socks on
16 the horn and so you can -- you can work her job.
17 I said, this job is mine and today is not Monday.
18 Today is kind of like, I think it was between
19 Wednesday and Tuesday so you can't just bump me
20 like that. And like that, you can't bump
21 somebody because it's low seniority on Wednesday
22 or Thursday.
23 So Gary was upset. He sent me to another
24 line and I went to work to another line. And he
25 came in the morning earlier. He started come.

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1 He asked me which job you want to do, and I said
2 the one you give to me, my job. He said, no, no,
3 no, you have to go work over there. So he was
4 close to me yelling at me like, just like
5 ((indicating) almost touch my lips. And I say,
6 why you harass me like that? This is morning.
7 We don't even go to line. Why you harass me like
8 that? And he took me to personnel office.
9 Q. Didn't you call him racist?
10 A. (In English without translation of question)
11 No. They twist harassment and harass and
12 racist because I'm broken English, then they
13 twist it and they believe it.
14 Q. Oh, so he thought you called him racist but you
15 were saying, why are you harassing me?
16 A. (In English without translation of question)
17 Yes.
18 Q. Okay. And that was a Monday, wasn't it, on
19 December 5th?
20 A. That was on Monday? It was December?
21 Q. Monday, December 5th, 2016. Maybe -- Here's your
22 grievance. You filed a grievance over this,
23 right?
24 A. Let me see.
25 MS. CALEM: Mark that next in order.

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1 COURT REPORTER: Can we take a rest room
2 break here in a bit?
3 MS. CALEM: Why don't we take a break right
4 after you mark that.
5 (Naamwbe Deposition Exhibit 23 marked.)
6 VIDEOGRAPHER: Okay. We're going to go off
7 the record. It's 3:43.
8 (A recess was taken at this time.)
9 (Lisa Marso is not present in the room.)
10 VIDEOGRAPHER: Okay. We're back on the
11 record. It's now 3:52. You can start.
12 BY MS. CALEM:
13 Q. All right. So I handed you what's been marked as
14 Exhibit 23, and this is a grievance that you
15 filed and the date on the grievance is
16 December 9, 2016, and it's about certain
17 write-ups that you got. And I think this relates
18 to the incident that you're talking about because
19 you got written up for this, right?
20 A. (In English without translation of question)
21 Yes.
22 Q. Okay. So I have notes that say this incident was
23 on a Monday and the deli line was down. Do you
24 remember the deli line being down?
25 A. Deli notified me that it was -- it was down. I

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1 don't think that is true because there were
2 people working on that lane.
3 Q. Well, according to the notes of many different
4 people, the deli line was down so there were four
5 extra workers and they came over to smoked meat
6 wash and that's why Lorena bumped you because she
7 had more seniority, she got to pick her job.
8 A. Lorena said she was sent by Gary.
9 Q. Well, four extra workers were sent by Gary; isn't
10 that right?
11 A. I don't know. The only person that I know is
12 Lorena.
13 Q. All right. And then Gary asked you to pick
14 another job, right?
15 A. He told me to go to work on Handy line and I
16 went.
17 Q. Well, didn't he first ask you to pick another job
18 and you refused to pick one?
19 A. So on that -- on that day, he told -- he told --
20 THE WITNESS: (In English) She.
21 A. -- she told Lori [sic] to -- to come take my --
22 my spot and send me to the third degree --
23 THE WITNESS: (In English) Grade 3.
24 A. -- Grade 3 lane.
25 THE WITNESS: (In English) To ham.

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1 A. -- to ham. I refused not to go there because I
2 had seniority compared to other employees who
3 were there -- who were there. So I told him he
4 should send us less -- that have less seniority
5 than I to go there instead of me.
6 Q. So he kept telling him, no, I have seniority, you
7 can't send me there, right? You were arguing
8 with Gary about the seniority?
9 THE INTERPRETER: It wasn't an argument.
10 That's what she said.
11 BY MS. CALEM:
12 Q. So the notes that we have from many different
13 people say that you kept saying I have seniority
14 and would not make a decision about which job to
15 choose so you were sent to work on the ham line.
16 Is that accurate?
17 A. So if it is -- You said you have notes. Who are
18 -- who wrote those notes? Who are those
19 employees?
20 Q. I don't need to answer your questions. I'm just
21 asking you, do you remember having a talk with
22 Gary and saying you had seniority and you would
23 not pick a job?
24 A. I did not refuse to go to do that job where he
25 sent me.

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1 Q. Right. But first Gary was asking you to pick
2 another open job, wasn't he?
3 A. And he came -- he said -- when he came, he said
4 go do the Grade 3 job and I will have Lorena do
5 your job. And I told him, no, you got to go call
6 those two men who have a low seniority than I to
7 do the job.
8 Q. All right. The other two people who had less
9 seniority than you were sent to work on the Great
10 Bend Hand line but you don't like to work on that
11 line, right? Because Juan is there.
12 A. Yeah. That job is only for one person period.
13 Q. All right. So in any event -- Well, let me ask
14 you this: Do you remember that production was
15 stopped for seven -- seven or eight minutes
16 because of this conflict that you were having?
17 A. I don't know that.
18 Q. And you were written up for arguing with Gary?
19 A. On that day, I was -- I -- they didn't notify me
20 of anything, but the next day, that's when I
21 received this notification for suspension --
22 suspense -- suspension of --
23 THE WITNESS: (In English) Suspended.
24 A. -- suspended for ten days.
25 Q. Okay. So your ten-day suspension, some of it was

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1 for absenteeism, right?
2 A. Yes, it was -- part of it was attendance, but
3 that attendance they claim was written by hand
4 by -- by the pen. Usually attendance is
5 kept on -- is kept by the computer, but on that
6 attendance they show me it was written by pen.
7 MS. CALEM: Let's mark this next in order.
8 (Naambwe Deposition Exhibit 24 marked.)
9 Q. You're being handed what's been marked as
10 Exhibit 24 to the deposition. Are these the two
11 disciplinary notices you got?
12 A. Yes.
13 Q. All right. The first one is the three-day
14 suspension for violation of Work Rule Number 15.
15 Says abusive language, combative behavior,
16 failure to cooperate. And it says that there
17 was -- that you had excessive arguments about
18 work assignments and called the supervisor
19 racist. So you disagree with that, right?
20 A. (In English without translation of question)
21 Yes, I disagree. (Through interpreter)
22 This -- this claim that I called him a racist is
23 not true. I was telling him that he is harassing
24 me, not a racist, but they twist it and they said
25 that I said racist. They do all these to find a

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1 way to fire me.
2 BY MS. CALEM:
3 Q. Are you aware that there are three people who
4 heard you use the word "racist"?
5 A. When I went down there, when they call me, they
6 say, they asked Thomas Zuroff where those other
7 two people came from, if you say three people
8 heard -- heard me call him racist.
9 Q. I'm just asking, are you aware that other people
10 heard you use the word "racist"?
11 A. It was in the morning so those -- those people, I
12 don't know about them because it was in the
13 morning. It was I and Gary and Thomas, that they
14 came to me at a place where I was changing,
15 putting on the work gear so they the ones who
16 were there. So you said the other people heard
17 us so I don't know if that's something they made
18 up, you know, their opposition towards me.
19 Q. Did you tell Gary he treats you like a slave?
20 A. Yes, I told him.
21 Q. On that day?
22 A. Yes.
23 Q. And you did that on the line in front of
24 everybody?
25 A. It was on that day when he came yelling at me,

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1 like, face to face where he came close to my --
2 to my face. Even his saliva was, you know,
3 come -- come out his mouth to, towards my face,
4 and that's when he heard [sic] my smell. And
5 after he heard my smell -- after he smell my
6 smell, he went and told Scott Reed that I was
7 chewing gum.
8 Q. And you're not supposed to chew gum on the floor,
9 right?
10 A. (In English) No. (Through interpreter) No,
11 you're not supposed to.
12 BY MS. CALEM:
13 Q. And why do you think Gary wanted to get rid of
14 you?
15 A. It wasn't -- it wasn't a gum that he claimed that
16 I had. It was a little thing that you put on the
17 tongue to take away, like, morning breath.
18 Q. It was a mint?
19 A. (In English without translation of question)
20 Yes, mint.
21 Q. And he thought you were chewing gum?
22 A. (In English without translation of question)
23 Right.
24 Q. And he reported that to Scott?
25 A. (In English without translation of question)

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1 Right.

2 Q. Okay. And did you explain it was not gum?

3 A. (In English without translation of question)

4 Yeah. And I show Scott, I show him what I

5 was having in my pocket.

6 Q. All right. Now, you're saying that Gary is doing

7 this so that you will quit. Why do you think

8 that?

9 A. I feel this already because he treated me

10 differently than the other employees. It looks

11 like the other employees are just okay to him but

12 I am the one who always get picking on.

13 Q. You feel he picks on you?

14 A. Yes.

15 Q. And do you know why he picks on you?

16 A. I don't know why.

17 Q. All right. What else happened that was

18 retaliatory?

19 A. First of all, if I ask for hurt [sic], like, you

20 know, someone -- someone to come hurt me, they

21 never give me anybody to come hurt me out so I'm

22 always --

23 Q. To help you?

24 THE INTERPRETER: Yes.

25 A. -- I'm always there by myself.

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1 Q. Okay. When do you ask for help and not get it?

2 A. I was -- I was very tired on -- I don't remember

3 exactly month or year, 2001 --

4 THE WITNESS: (In English) No. 2016.

5 THE INTERPRETER: Oh, 2016.

6 -- but I don't remember month. I was tired

7 of being treated like that. Then I asked someone

8 to take a picture, like a -- like a -- like a

9 testimony or witness if they -- if they refused

10 all they -- they disagreed that they don't --

11 they don't put me on the line by myself so I can

12 show people, whoever, or my lawyer, whoever, that

13 it is true that I am there by myself.

14 Q. So you're saying you're working on an entire line

15 by yourself?

16 A. It's two jobs. When -- when it comes the ribs,

17 they were put -- they put -- they were putting me

18 on by myself. When it comes to ribs, and there

19 was --

20 What else was there?

21 THE WITNESS: (In English) Arby's.

22 A. -- Arby's, they put me there, they put me by

23 myself over there.

24 Q. Okay. So we talked about the one time that you

25 were put on the Arby's by yourself and there was

231

1 a grievance about that, right? This was in

2 August.

3 A. I didn't report -- The one that you have is the

4 one that I -- they kept doing it, but I did not

5 report every incident but they kept doing it.

6 Q. All right. So on August 22, 2016, you reported

7 that you were on Arby's by yourself?

8 A. (In English without translation of question)

9 Yeah.

10 Q. And you're saying that happened on other

11 occasions?

12 A. (In English without translation of question)

13 Yeah.

14 Q. And when did it happen?

15 A. It continues like throughout -- throughout 2016

16 and 2017. Even there was an incident happen in

17 April where it was me and Yvette working on this

18 job and then one of the employee --

19 Employee, right?

20 THE WITNESS: (In English) No. Lisa, she's

21 team leader.

22 A. Lisa said that we are working faster compared

23 to --

24 THE WITNESS: (In English) Hold on. Let me

25 help.

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1 So in April, me and Yvette was working ribs

2 so we was working how we supposed to be working.

3 Then the next day, Lisa, she came when I was --

4 when I was having hooks, we want to work again so

5 first he came, he told me, Sala, can you go to

6 Handy line to dig half and I said, okay, fine --

7 COURT REPORTER: To dig -- to dig what?

8 THE WITNESS: Meat, half -- it's smaller

9 meat that they mix with the big meat and they

10 work together.

11 So I said, Okay, so I went there. So her, I

12 think that she -- she cried to Lisa and said, why

13 am I be working by myself, and she said, yeah,

14 first I saw you Sala yesterday, you all working

15 too fast and too much. So he doesn't want to see

16 too much meat on the table like that so that's

17 why she separate you and Sala so you can't work

18 on the same vats.

19 But the next day, it was four people on the

20 tree working same job. I was, like, why? So

21 we're not supposed to two people here, but the

22 next day it was Wally and Becky on the same vats

23 working.

24 Q. Who is it who told you that you and Yvette have

25 worked too fast and so they were going to

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<p style="text-align: center;">233</p> <p>1 separate you?</p> <p>2 A. (In English without translation of question).</p> <p>3 Lisa, she told that. Foos, he told her</p> <p>4 that.</p> <p>5 Q. Lisa said who?</p> <p>6 A. (In English without translation of question)</p> <p>7 Foos.</p> <p>8 Q. Who's Foos?</p> <p>9 A. (In English without translation of question)</p> <p>10 The first name is Robert, Robert, Rob.</p> <p>11 Q. Robert Foos?</p> <p>12 A. (In English without translation of question)</p> <p>13 Yeah, Foos.</p> <p>14 Q. And he's the new supervisor?</p> <p>15 A. (In English without translation of question)</p> <p>16 Yes.</p> <p>17 Q. So Lisa said Robert said you were working too</p> <p>18 fast so we're going to separate you?</p> <p>19 A. (In English without translation of question)</p> <p>20 Yeah, because he don't want to see a lot of</p> <p>21 meat on the table and that's how all of us work</p> <p>22 all the time.</p> <p>23 Q. All right. And then in 2016, how many times were</p> <p>24 you assigned to work by yourself in Arby's?</p> <p>25 A. (In English without translation of question)</p>	<p style="text-align: center;">235</p> <p>1 It might be 10, 20.</p> <p>2 Q. Ten to 20 times?</p> <p>3 A. (In English without translation of question)</p> <p>4 I never counted. That's why that day I got</p> <p>5 mad to do that every time by myself and I -- I</p> <p>6 take pictures working by myself.</p> <p>7 Q. And that's the picture we don't have?</p> <p>8 A. (In English without translation of question)</p> <p>9 You do. You do have.</p> <p>10 Q. You said there were two that -- Okay.</p> <p>11 A. (In English without translation of question)</p> <p>12 No. You do have it.</p> <p>13 Q. We have that one in the pictures?</p> <p>14 A. (In English without translation of question)</p> <p>15 Yeah.</p> <p>16 Q. All right. So the pictures are Exhibit 12 from</p> <p>17 yesterday, so why don't you show me which picture</p> <p>18 shows you working by yourself.</p> <p>19 A. (In English without translation of question)</p> <p>20 This one (indicating).</p> <p>21 Q. Okay. This is on page 248, and this shows -- I</p> <p>22 see two people in this picture. Which one is</p> <p>23 you?</p> <p>24 A. (In English without translation of question)</p> <p>25 That's three people. Let me show -- That</p>
<p style="text-align: center;">234</p> <p>1 I don't have it to a count because --</p> <p>2 Q. Can you give me an estimate? Is it 10 times?</p> <p>3 100 times? Five times?</p> <p>4 A. (In English without translation of question)</p> <p>5 No, no 100 times. It might be even 20, 30</p> <p>6 by myself.</p> <p>7 Q. Twenty or 30 times?</p> <p>8 A. (In English without translation of question)</p> <p>9 Yeah, I don't -- I don't want to argue with</p> <p>10 them. Whatever I said why, I don't need the</p> <p>11 help, they say you don't need the help? And the</p> <p>12 woman said I arguing with them I don't want to do</p> <p>13 a job. When I ask them for help, the woman say</p> <p>14 I'm arguing with them, I don't want to do job.</p> <p>15 Q. So it's your testimony that in 2016 you worked on</p> <p>16 Arby's 20 times by yourself?</p> <p>17 A. (In English without translation of question)</p> <p>18 I didn't say that.</p> <p>19 Q. Oh, well, how many times?</p> <p>20 A. (In English without translation of question)</p> <p>21 You're asking me in 2016 to how many times I</p> <p>22 already work by myself, a hundred times or, and I</p> <p>23 said, no, no hundred times.</p> <p>24 Q. Okay. How many times?</p> <p>25 A. (In English without translation of question)</p>	<p style="text-align: center;">236</p> <p>1 person you see on, like, on the cloth, he was</p> <p>2 ready to put the clothes on it. That's Lamar.</p> <p>3 And it was Lamar and Abdallah. They was on the</p> <p>4 tree. So I was put the meat on the table for two</p> <p>5 men by myself.</p> <p>6 Q. Okay. Are you in this picture?</p> <p>7 A. (In English without translation of question)</p> <p>8 Yes.</p> <p>9 Q. Which one is --</p> <p>10 A. (In English without translation of question)</p> <p>11 You don't see me?</p> <p>12 Q. Which one is you?</p> <p>13 A. (In English without translation of question)</p> <p>14 Let me see. This is me (indicating).</p> <p>15 MS. POCHOP: Mark -- can she mark on it?</p> <p>16 MS. CALEM: Yeah.</p> <p>17 A. (Complies.)</p> <p>18 Q. Let me see. Oh, right over there. So that's</p> <p>19 you?</p> <p>20 A. (In English without translation of question)</p> <p>21 Yeah.</p> <p>22 Q. And next to you is Lamar?</p> <p>23 A. (In English without translation of question)</p> <p>24 The one -- the one that's on the corner</p> <p>25 right here (indicating)?</p>

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<p style="text-align: center;">241</p> <p>1 A. No.</p> <p>2 Q. And, again, for business theft and other reasons,</p> <p>3 it's against the rules to take a photograph on</p> <p>4 the production floor, isn't it?</p> <p>5 A. (In English without translation of question)</p> <p>6 Well, other people take picture. They take</p> <p>7 a picture, Lisa, Gary, Rusty, all the employees,</p> <p>8 they have people take a picture. Even they have</p> <p>9 a cake on the plant, they can take a picture for</p> <p>10 happy birthday for people --</p> <p>11 Q. I'm just asking you, it's against the rules,</p> <p>12 isn't it?</p> <p>13 A. (In English without translation of question)</p> <p>14 I didn't know because I see supervisor doing</p> <p>15 and employee, they do the same thing because the</p> <p>16 supervisor they know the rules and they doing it</p> <p>17 on the employee face, so we thought maybe you can</p> <p>18 do that because supervisor, they do the same</p> <p>19 thing, and team leader.</p> <p>20 Q. All right. So let's go through this Exhibit 12</p> <p>21 and tell me which picture you took and what they</p> <p>22 show.</p> <p>23 A. (In English without translation of question)</p> <p>24 Okay. After all of this, this picture I</p> <p>25 took (indicating) --</p>	<p style="text-align: center;">243</p> <p>1 Yeah.</p> <p>2 Q. And you, in fact, were eating lunch in the pickle</p> <p>3 room with Tom Anderson, weren't you?</p> <p>4 A. (In English without translation of question)</p> <p>5 No, that's not true.</p> <p>6 Okay. So after Scott Reed say nobody get</p> <p>7 inside of this room but they let her, Amanda, to</p> <p>8 put the whole equipment in that house -- in that</p> <p>9 room, and after work she can put the whole</p> <p>10 equipment in that room, and in the morning she</p> <p>11 had to get inside of the equipment [sic] and get</p> <p>12 the equipment. That's why when she was get</p> <p>13 inside, I took this picture, and when she came</p> <p>14 out -- where's the other one?</p> <p>15 Q. On page 243 there's another picture of the pickle</p> <p>16 room.</p> <p>17 A. (In English without translation of question)</p> <p>18 Yeah, right here. She was coming out.</p> <p>19 Q. Okay. So she's putting her equipment in there --</p> <p>20 A. (In English without translation of question)</p> <p>21 Yes.</p> <p>22 Q. -- and then she's coming out?</p> <p>23 A. (In English without translation of question)</p> <p>24 Right --</p> <p>25 Q. Okay.</p>
<p style="text-align: center;">242</p> <p>1 Q. You can scan -- well, we're just talking about</p> <p>2 the first page of Exhibit 12.</p> <p>3 A. (In English without translation of question)</p> <p>4 This one?</p> <p>5 Q. Yes.</p> <p>6 A. (In English without translation)</p> <p>7 Okay. I took this picture because when</p> <p>8 something happened in that department, if Tom</p> <p>9 Zuroff is not there, because even if you tell Tom</p> <p>10 Zuroff, he never go to office and say something.</p> <p>11 But I used to go here and to call Thomas here,</p> <p>12 say, can you please come. So they -- I don't</p> <p>13 know if it's Lisa or Rusty, I don't know which</p> <p>14 one, went to Scott Reed and say Sala, she</p> <p>15 (unintelligible) --</p> <p>16 COURT REPORTER: You went to Scott Reed and</p> <p>17 said what?</p> <p>18 A. I don't know who went to tell Scott Reed that</p> <p>19 Sala was in this room and in this room, so Scott</p> <p>20 Reed, he said no one will get inside that</p> <p>21 (intelligible) room again and they put this --</p> <p>22 COURT REPORTER: What room? Maybe I need</p> <p>23 Elias --</p> <p>24 Q. It's the pickle room, right?</p> <p>25 A. (In English without translation of question)</p>	<p style="text-align: center;">244</p> <p>1 A. -- so I was, like, because I went to, when I go</p> <p>2 to report to union representative, if I needed</p> <p>3 BJ, I go to call -- tell him, please, can you</p> <p>4 call BJ for me and BJ will come so they didn't</p> <p>5 like that so Scott Reed put this on.</p> <p>6 COURT REPORTER: Can you say that --</p> <p>7 Q. You have to just speak more slowly. Tell her</p> <p>8 again slowly.</p> <p>9 COURT REPORTER: When I talked to BJ.</p> <p>10 A. (Witness continues in English) Oh, yeah. When</p> <p>11 something happened in the -- like if they harass</p> <p>12 me, making me walk by myself, so I will go over</p> <p>13 there, that's where he work, and tell him,</p> <p>14 please, can you call BJ for me so he can come to</p> <p>15 be a witness. And when they tell Scott Reed that</p> <p>16 I go in this room, eat in this room, stay in this</p> <p>17 room, so Scott Reed, he said nobody who would get</p> <p>18 into this room except only the employees that are</p> <p>19 the position.</p> <p>20 So after they did that to me, they allowed</p> <p>21 this woman to put the whole equipment in this</p> <p>22 room, and after work in morning but nothing</p> <p>23 happen to her. They didn't tell her anything.</p> <p>24 So I was, like, why did you do this to me and</p> <p>25 that's why I taking this picture.</p>

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<p style="text-align: center;">249</p> <p>1 why these people were there? If they had 2 permission, why can't they give all employees 3 permission to have food or chew gums? 4 BY MS. CALEM: 5 Q. Okay. Do you know the occasion for this party? 6 Do you know what the occasion was for this party? 7 A. I don't know. The only thing I know is in the 8 department. 9 Q. Okay. So this is significant -- Okay. Is the 10 label room a production area? 11 A. That is like a -- where they -- the production of 12 equipment. 13 Q. There's no raw meat in the label room, is there? 14 A. It's just -- No, there is no meat. It's just 15 some equipment they use to pack the meat. 16 Q. Okay. So in your mind, this picture is 17 significant because people are having a party but 18 you were in trouble for chewing gum; is that 19 right? 20 THE INTERPRETER: So I'm going to clarify 21 again to her because I'm -- she is said I wasn't 22 chewing gum, they disciplined me with -- 23 Q. They disciplined you for chewing gum? 24 THE INTERPRETER: But I wasn't -- I wasn't 25 chewing gum.</p>	<p style="text-align: center;">251</p> <p>1 interpreter.) 2 A. OZ took my picture, and then Scott -- Rusty, he 3 was not permitted to be in this department but he 4 was coming all the time. Then I decided to take 5 a picture like proof that Rusty is there. 6 Q. Your position is Russ was not permitted to come 7 in the department? 8 A. (In English without translation of question) 9 Right. He was a transfer to another 10 department. 11 Q. So that means he can never step foot in his old 12 department? 13 A. (In English without translation of question) 14 That's what I heard. 15 Q. And is this a picture of Russ? 16 A. (In English without translation of question) 17 Yes. 18 Q. Okay. Is he the one wearing the blue hat? 19 A. (In English without translation of question) 20 Yes. 21 Q. And he's in Department 19? 22 A. (In English without translation of question) 23 Right. 24 Q. And where are you? 25 A. (In English without translation of question)</p>
<p style="text-align: center;">250</p> <p>1 Q. Right. I understand that. I'm just trying to 2 figure out the reason this picture is important 3 to you is because you're saying they're having 4 parties but they're still not letting people chew 5 gum. Is that it? 6 A. Yeah, that is the reason, the whole reason 7 because I feel like they -- they treated me 8 differently -- differently compared to other 9 people. 10 Q. Okay. And the next picture on page 245 we know 11 that Yvette took. We talked about that 12 yesterday. What about on page 246? 13 A. This picture is significant because OZ -- 14 THE WITNESS: When OZ took a picture on 15 iPad -- 16 A. When OZ took a picture of mine in his iPad, he 17 didn't get any trouble, any -- any verbal 18 warnings. 19 THE WITNESS: (In English) No. 20 THE INTERPRETER: Any trouble, right? 21 THE WITNESS: Uh-uh. 22 A. But I, when I took the picture, I was disciplined 23 by -- 24 THE WITNESS: Wait. 25 (Sotto voce discussion between witness and</p>	<p style="text-align: center;">252</p> <p>1 I was on the Honey Line. 2 Q. In Department 19? 3 A. (In English without translation of question) 4 Right. 5 Q. Okay. So you saw Russ in Department 19 and you 6 decided to take his picture? 7 A. (In English without translation of question) 8 Right. 9 Q. Okay. And Russ was transferred to another 10 department after the incident where he tapped you 11 on the shoulder, right? 12 A. (In English without translation of question) 13 And spill water on my face. Oh, the 14 shoulder, I think he got a suspending or 15 something like that -- 16 Q. Okay. 17 A. -- I think. And he went home one day, the next 18 day he come back. So I don't know what happened. 19 I don't know -- 20 Q. Okay. So on one incident he tapped you on the 21 shoulder and said something like, what are you 22 going to do now that your partner is gone? 23 A. (In English without translation of question) 24 Yeah, he was poking me on my shoulder. 25 Q. And just he tapped you on the shoulder, and he</p>

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<p style="text-align: center;">253</p> <p>1 thought that Tom Anderson had bid out of the</p> <p>2 department, right?</p> <p>3 A. (In English without translation of question)</p> <p>4 Yeah, that's what he came to tell me. He</p> <p>5 poked me on my shoulder like (indicating) and I</p> <p>6 was scared. And I look back, I'm, like,</p> <p>7 (indicating) and, yeah, I want to ask you, how</p> <p>8 you going to do now because your partner is</p> <p>9 leaving, and I said, my partner is Jesus.</p> <p>10 Q. Okay. Okay. And com -- you made a complaint</p> <p>11 about that, right?</p> <p>12 A. (In English without translation of question)</p> <p>13 Right. Because it hurt me.</p> <p>14 Q. Because he poked you on the shoulder?</p> <p>15 A. (In English without translation of question)</p> <p>16 Yeah.</p> <p>17 Q. And he was suspended for that, right?</p> <p>18 A. (In English without translation of question)</p> <p>19 That's what I heard about.</p> <p>20 Q. Okay.</p> <p>21 A. I don't know.</p> <p>22 Q. All right. And then on another occasion, he was</p> <p>23 cleaning one of the lines and he sprayed water on</p> <p>24 you and Abigail, right?</p> <p>25 A. (In English without translation of question)</p>	<p style="text-align: center;">255</p> <p>1 like, out that place because it's tight place,</p> <p>2 it's a little tight, so.</p> <p>3 I think I take a picture. It's not here?</p> <p>4 It's not here. I seen I have picture.</p> <p>5 Q. Yeah. So on that day, the Honey line was down,</p> <p>6 right?</p> <p>7 A. (In English without translation of question)</p> <p>8 It wasn't down. The -- the line tree, it</p> <p>9 wasn't broken down so we replace to next line.</p> <p>10 Q. Right. So it had to be fixed?</p> <p>11 A. (In English without translation of question)</p> <p>12 Yeah.</p> <p>13 Q. And after the mechanics or maintenance finished</p> <p>14 fixing it, Russ was spraying down that -- that</p> <p>15 line, wasn't he?</p> <p>16 A. (In English without translation of question)</p> <p>17 Uh-huh.</p> <p>18 Q. Yes?</p> <p>19 A. (In English without translation of question)</p> <p>20 Yes.</p> <p>21 Q. And that's when he got and you Abigail wet,</p> <p>22 right?</p> <p>23 A. (In English without translation of question)</p> <p>24 Right.</p> <p>25 Q. Okay. And he did not apologize?</p>
<p style="text-align: center;">254</p> <p>1 Right.</p> <p>2 Q. Okay. And Abigail yelled at him, hey, you're --</p> <p>3 you're getting us wet, right?</p> <p>4 A. (In English without translation of question)</p> <p>5 Right.</p> <p>6 Q. Okay. And you were angry that he sprayed water</p> <p>7 on you and he didn't apologize, right?</p> <p>8 A. (In English without translation of question)</p> <p>9 I didn't say anything, but when he come down</p> <p>10 and we think maybe he's come to apologize to us</p> <p>11 but I didn't say anything to him.</p> <p>12 Q. But he didn't apologize?</p> <p>13 A. (In English without translation of question)</p> <p>14 No.</p> <p>15 Q. Okay. And that you felt that that was very rude</p> <p>16 of him, right?</p> <p>17 A. (In English without translation of question)</p> <p>18 He did -- I thought maybe he did on purpose.</p> <p>19 Q. Sprayed you and Abigail?</p> <p>20 A. (In English without translation of question)</p> <p>21 Yep.</p> <p>22 Q. Okay. And then he -- that same day, he walked</p> <p>23 behind you and Abigail in the tight space, right?</p> <p>24 A. (In English without translation of question)</p> <p>25 Yeah. Abigail, he was, like -- she was,</p>	<p style="text-align: center;">256</p> <p>1 A. (In English without translation of question)</p> <p>2 No.</p> <p>3 Q. And then later that day, he was setting up the</p> <p>4 sock again on the Honey line, right?</p> <p>5 A. (In English without translation of question)</p> <p>6 Who?</p> <p>7 Q. Russ. No?</p> <p>8 A. No.</p> <p>9 Q. Okay. So let's just look at this picture.</p> <p>10 (Naambwe Deposition Exhibit 25 marked.)</p> <p>11 Q. All right. So on this day you made a complaint</p> <p>12 that Russ brushed up against you, right, when</p> <p>13 he -- when he went behind you?</p> <p>14 A. (In English without translation of question)</p> <p>15 It was the same day when -- it was the same</p> <p>16 time when he spray water to us, so when he done,</p> <p>17 he came around here (indicating).</p> <p>18 Q. He came around in between these two machines?</p> <p>19 A. (In English without translation of question)</p> <p>20 Yes.</p> <p>21 Q. Okay. And he squeezed through, he didn't say</p> <p>22 excuse me, right?</p> <p>23 A. (In English without translation of question)</p> <p>24 Yes.</p> <p>25 MS. POCHOP: Yes-or-no question.</p>

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1 THE WITNESS: Yes.
2 Q. He did not say excuse me?
3 A. (In English without translation of question)
4 No.
5 Q. And you were -- so where it says Sala with a
6 little star, that's where you were standing,
7 right?
8 A. (In English without translation of question)
9 No. This is on the end. I was -- I was,
10 like, in the middle.
11 Q. Okay. So he was -- All right. There's a star
12 here in the corner, says Russ is standing in this
13 area when washing the line, but in between these
14 two machines you were standing and Abigail was
15 standing and he went by you, right?
16 A. (In English without translation of question)
17 You want me to show you?
18 Q. Sure. If you want to show me.
19 (In English without translation of question)
20 A. Yeah. Here, this is star over here, that's where
21 Yvette that she was clipping and she was show
22 face that way, like I would show you, and usually
23 he was here with the -- put the net on the horn.
24 So and that time Abigail, he was wiping her face
25 but he was out here a little bit. So this table

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1 you see over here, it was here on the middle, we
2 put the socks on it, so it was kind of like a
3 little bit space between.
4 Q. It was a tight space?
5 A. (In English without translation of question).
6 Yeah, between this table over here on the
7 socks. So when the rest come, I thought maybe
8 he's coming to say, I'm sorry, I did on mistake,
9 but he didn't do that. He just come close to us
10 and come to me like (indicating). So this one
11 with my booty, we was just touch each other and
12 that's how I got angry.
13 If -- if this was water, I should have let
14 it go, but when she's [sic] feeling my booty, I
15 feel so bad and that's why I went to report to
16 Scott Reed.
17 Q. So he brushed by you and Abigail, right, you
18 were --
19 A. (In English without translation of question)
20 Abigail -- Abigail, she was out here washing
21 her face.
22 Q. Okay. So he --
23 A. He was --
24 Q. -- squeezed in the space behind you and you he
25 touched you?

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1 A. (In English without translation of question)
2 Yes.
3 Q. Okay. Did he -- did he touch you with his hands?
4 A. (In English without translation of question)
5 No. Only the lap.
6 Q. Okay. So his lap touched your behind?
7 A. (In English without translation of question)
8 Yeah, my booty.
9 Q. Okay. And that made you angry?
10 A. (In English without translation of question)
11 Yeah, I was -- I was, like, why he feeling
12 my -- my booty like that. It making me mad.
13 Q. So you think he was intentionally trying to feel
14 you?
15 A. (In English without translation of question)
16 Because he supposed to say excuse me and it
17 was too many ways that he supposed to pass by to
18 go another -- the way he want to go, so why he
19 came like here and you don't even say excuse me.
20 Q. So you thought he did it intentionally?
21 A. (In English without translation of question)
22 Yes.
23 Q. Okay. And do you know if Russ was disciplined
24 for this?
25 A. (In English without translation of question)

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1 I know they transfer him from his
2 department, but Scott already told me, I have no
3 right to stop Rusty anyway he wanted to go.
4 Q. Okay.
5 A. So he had to -- he have to come -- because I told
6 him, I said, please, tell Rusty I don't want him
7 to be close to me, but he said you don't have a
8 right to stop Russ to go everywhere he --
9 everyone he -- everywhere he wanted to go because
10 he's a supervisor.
11 Q. Okay. Now, didn't Abigail say -- Well, let's
12 strike that. There was an investigation about
13 this incident, right?
14 A. (In English without translation of question)
15 Yeah. Steve, he came -- he told me to show
16 him what happened --
17 Q. Steve Fergen?
18 A. -- yes, and I show him what happened.
19 Q. And do you know if human resources interviewed
20 people?
21 A. (In English without translation of question)
22 I don't know.
23 Q. Okay. Did you tell --
24 A. They -- they called Abigail.
25 Q. They called Abigail?

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1 A. (In English without translation of question)
2 I don't know. I just -- my doctor just
3 checking on me and give me the medicine. And I
4 remember one of my anxiety doctor, she ask me
5 to -- to take FMLA and I said I already have FMLA
6 already and she said okay, because this medicine
7 we give to you might be make you so tired and
8 sleepy so you have to take FMLA.
9 Q. Okay. And you've reported to your doctor that
10 you have hallucinations, you see people who are
11 not there. Is that accurate?
12 A. (In English without translation of question)
13 Yeah, sometimes.
14 Q. Does that happen at work?
15 A. (In English without translation of question)
16 Like that day, I -- I was almost fall
17 down --
18 (Sotto voce discussion between witness and
19 interpreter.)
20 A. One time, one day I was almost passed out. I
21 was --
22 Q. It says in your medical records that sometimes
23 you black out, you don't remember what's happened
24 for a little while. Does that happen at work?
25 A. Yeah, it happened at work.

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1 Q. Did you tell your doctor that sometimes you see
2 people in flashes of light across the room?
3 A. Yes, I see some things like that.
4 Q. And does that happen at work?
5 A. All of that started when I started -- when this
6 problem started at work.
7 Q. All right. Well, these symptoms started in March
8 of 2017, right?
9 A. Yes.
10 Q. Okay. And your FMLA was related to these
11 symptoms, right?
12 A. (In English without translation of question)
13 Yeah.
14 Q. And currently you have a request for -- well,
15 you've been granted FMLA leave intermittently
16 when you need it; is that right?
17 A. I am approved through FMLA when -- when they
18 diagnosed me to the point where I don't have --
19 I'm not physically able to do anything at work.
20 That's when I'm -- I would be -- I would be
21 granted FMLA leave.
22 Q. And your doctor said that that might happen once
23 a month that you would need the FMLA leave?
24 A. Yeah, because I tried to renew it again. I don't
25 have it right now. But I renew. That's how --

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1 that's how the doctor say -- said it.
2 (Naambwe Deposition Exhibit 26 marked.)
3 Q. All right. You've been handed what's been marked
4 as Exhibit 26, and this is a form that says your
5 FMLA leave request is approved. Have you seen
6 this before?
7 A. I haven't seen this kind of form.
8 Q. Okay. Is Kalee Olson one of the -- the doctors
9 that you see?
10 A. Yes.
11 Q. Okay. And so this is the request for FMLA leave
12 intermittently? It says -- on the third page of
13 this document, it says frequency one time per
14 month, two days per episode that you will need
15 the leave? Have you taken this leave?
16 A. I didn't -- I didn't know this.
17 Q. You have not taken this leave?
18 A. I didn't see -- I haven't seen this -- I didn't
19 see this paper or I didn't know they approved --
20 they approved my FMLA.
21 Q. Okay. Now, are you saying that your condition,
22 this mental illness, is because of what happened
23 at work?
24 A. Yes. That's -- that's when it started.
25 Q. And which incident at work are you talking about

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1 that started this?
2 A. The first thing was when I was being called a
3 monkey, I'm not a human. And the second was the
4 fact that I found out I don't have a right at
5 work. And the third -- and the third, it -- it
6 looks like I -- I don't matter in the company,
7 I'm nothing. The fourth is the fact how they
8 treated me. That seems -- or that shows that I
9 am exactly a monkey.
10 Q. That shows that you are a monkey?
11 THE INTERPRETER: Yeah, or animal, she said,
12 because they treated me differently --
13 differently than the other people.
14 Q. But just to be clear, nobody has ever called you
15 a monkey since that Scott Genzler incident,
16 right?
17 A. No one has.
18 Q. And has your pay ever been reduced?
19 A. No. They're going to raise -- yeah, they gave me
20 raise, like, regularly whenever they, but the
21 grade that I was working --
22 Let me clarify that to her.
23 (Sotto voce discussion between witness and
24 interpreter.)
25 A. They were -- they wasn't -- they were not paying

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1 me for the Grade 2 and 3 when I'm working there.
2 Q. That -- was that resolved through the union?
3 THE INTERPRETER: Yeah. She told Rick.
4 COURT REPORTER: Pardon me? Say it again.
5 THE INTERPRETER: Is it Rick or Russ?
6 THE WITNESS: Rick.
7 MS. CALEM: Rick. She told Rick.
8 THE INTERPRETER: She told Rick.
9 BY MS. CALEM:
10 Q. And did -- was the pay changed?
11 A. When Rick told him, they -- I saw, like, three --
12 two or three checks different on those checks,
13 and then after that, it went back to normal, to
14 regular pay that I was getting before.
15 Q. During the time that you have worked at
16 Smithfield, have you had any difficulties with
17 your children?
18 A. No.
19 Q. Did your son have any problems with -- any legal
20 problems?
21 A. The one who I had, he is in Dallas, he's not with
22 me.
23 Q. Is what?
24 THE INTERPRETER: One of my son went back to
25 Dallas so he does not -- he doesn't live with me.

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1 BY MS. CALEM:
2 Q. After the incident where Russ brushed by you, did
3 you tell your doctor you felt he was trying to
4 touch you in the vaginal area as well as the --
5 as your behind?
6 A. I told my doctor that when -- when Russ passed by
7 so I felt him behind me, not right close.
8 Q. So are you -- is your testimony that before
9 February 2016, you never had any of these
10 problems?
11 THE INTERPRETER: She's asking me high blood
12 pressure or all these symptoms?
13 MS. CALEM: All of these problems.
14 A. In 2014, that's when my high blood pressure
15 started. That was back in 2014, and then when
16 the problem increased in 2016 with Scott Genzler,
17 I started having all these other problems pile up
18 today, previous ones.
19 Q. Okay. But the symptoms of -- the mental symptoms
20 that we've been talking about didn't start until
21 2017; is that right?
22 A. Yes.
23 Q. And that's a year after this incident with Scott
24 Genzler, right?
25 A. Yes.

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1 Q. All right. Is there anything else that's
2 happened during this period of time from 2014 to
3 the present that has caused you any emotional
4 distress?
5 A. What I want to speak, I didn't -- I didn't put it
6 down or speak of Russ, notify anybody on this
7 case.
8 Q. I don't think I understood what you said.
9 THE INTERPRETER: She said she want to say
10 something, but that is outside of what you guys
11 have here in this case. That is outside of this.
12 THE WITNESS: (In English) But it happened
13 at work. I didn't report it, but it happened at
14 work. But one -- only one incident I reported in
15 the check on the camera.
16 COURT REPORTER: Is it "and they checked on
17 the camera"?
18 THE WITNESS: (In English) Yeah.
19 Q. So you're saying something happened at work?
20 A. (In English without translation of question).
21 Yeah, in 2000- -- I think I can say August
22 2013. That's how it started. I guess it was in
23 August, I guess.
24 Q. Something happened at work? Oh, is this when
25 you --

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1 A. (In English without translation of question)
2 When I started working.
3 Q. Is this the conflict with Saba and you thought
4 she was trying to run over you with her car?
5 A. (In English without translation of question).
6 Right.
7 Q. Okay. You did report that?
8 A. (In English without translation of question)
9 Yes.
10 Q. Okay. And that was a coworker in your -- in
11 Department 11 who you had a conflict with?
12 A. (In English without translation of question)
13 Right.
14 Q. And eventually both of you were transferred to
15 different departments, right?
16 A. (In English without translation of question)
17 Right.
18 Q. And Saba actually got a suspension as a result of
19 some of this conflict, didn't she?
20 A. (In English without translation of question)
21 I don't know. Nobody told me.
22 Q. Okay. And then leaving aside work, is there
23 anything in your personal life that has caused
24 you stress in the last few years?
25 A. (In English without translation of question)

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1 No. (Through interpreter) No. I don't have
2 anything.
3 Q. Okay. There's references in some of your medical
4 notes to being in an abusive relationship. Are
5 you in an abusive relationship?
6 A. I never said that I had -- I was in abuse --
7 abusive relationship, but we had this argument
8 with my husband, with my then husband, so he
9 took -- he went on his own and I went on my own
10 so that --
11 Q. When did that happen?
12 A. That was in 2011.
13 Q. Okay. Are you in a relationship with Tom
14 Anderson?
15 A. (In English without translation of question)
16 No.
17 Q. Have you ever heard Tom refer to you as his
18 girlfriend?
19 A. No. He's just my coworker. He's a union and I'm
20 an employee. That's it.
21 Q. Have you ever heard Tom say that after you win
22 this lawsuit and win a lot of money, he and you
23 are going to go to Florida together?
24 A. (In English without translation of question)
25 Oh, my goodness. No, never. Florida....

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1 Q. Do you know if Thomas told anybody else at work
2 that you're his girlfriend?
3 A. (In English without translation of question)
4 I don't know that. If he talk behind, I
5 don't know. And I don't know. He's not my
6 boyfriend. He have a wife and children.
7 Q. Right. Did you ever show anybody a ring that he
8 gave you?
9 A. (In English without translation of question)
10 A ring?
11 Q. Uh-uh.
12 A. (In English without translation of question)
13 It's not his ring so everybody has -- do
14 you -- do you --
15 Q. Well, let me ask you this: Did you ever show
16 your coworkers a ring and say that Tom gave it to
17 you?
18 A. (In English without translation of question).
19 No. I didn't say Tom give to me, because
20 Lamar, he was bothering me so much, he wanted to
21 be my boyfriend and I said no. And the next day,
22 I went to African store and buy something for \$10
23 and I said, I got a ring (indicating), I'm
24 married, because he had to stop bothering me.
25 That's all. Yes, I say that, but I didn't say

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1 Tom, he give to me.
2 Q. And you're saying Lamar has asked you to be his
3 girlfriend?
4 A. (In English without translation of question)
5 Huh?
6 Q. Are you testifying that Lamar has asked you to be
7 his girlfriend?
8 A. (In English without translation of question)
9 Right. And he said, I want to marry you and
10 I said no. And that's why I went to African
11 store, find something for \$10 and I put on my
12 finger and say, I have married, I have a husband
13 so please leave me alone.
14 Q. Okay. And did you ever on any other occasion
15 show your coworkers a ring and tell them Tom gave
16 this to me --
17 A. (In English without translation of question)
18 No.
19 Q. -- and we're going to get married?
20 A. (In English without translation of question)
21 They see me with the ring, but, no, after
22 Lamar, he leave me alone and I take it off.
23 MS. CALEM: Okay. Let me go off the record
24 and review my notes.
25 VIDEOGRAPHER: Okay. We're going off the

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1 record. Okay. We're off the record.
2 (A recess was taken at this time.)
3 VIDEOGRAPHER: Okay. We're back on the
4 record. It's now, it looks like 5:28. You may
5 proceed.
6 MS. CALEM: Thank you. I don't have very
7 much more. Just a few more questions.
8 BY MS. CALEM:
9 Q. I would like to go back to these photographs
10 which is Exhibit 12. Can you take a look at
11 those, please, and look at page 248.
12 A. (Complies.)
13 Q. So I'm looking at this and it looks like
14 something that was texted on a cell phone. It
15 has a T on top and the date and the picture.
16 Now, if Tom Anderson took this picture, do you
17 know if the T stands for Tom?
18 A. Yes.
19 Q. And didn't he text you this picture?
20 A. No. I saw him with the phone. I don't know if
21 the phone he used take picture or his phone or
22 someone else phone, but the only thing I knew, I
23 saw him with the phone with this picture and I
24 took the phone and I get the -- I get picture out
25 of the phone like. That the way it is.

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<p style="text-align: center;">281</p> <p>1 diagnoses in your medical records.</p> <p>2 A. So I didn't think that I develop that PTSD in my</p> <p>3 country because it never did felt like real war</p> <p>4 because we were afraid. If we had, like, the war</p> <p>5 is happening today, you know, close by town, then</p> <p>6 we just afraid.</p> <p>7 Q. You've said in your complaint that you suffered</p> <p>8 shocking violence. Did you?</p> <p>9 THE INTERPRETER: Shocking violence, right?</p> <p>10 MS. CALEM: Yeah.</p> <p>11 A. From who, for what?</p> <p>12 Q. In your complaint, it says you came to the United</p> <p>13 States after suffering shocking violence as a</p> <p>14 victim of genocide and civil war in your country.</p> <p>15 THE INTERPRETER: She doesn't recall when</p> <p>16 she said that, if it was in January or back in to</p> <p>17 the U. S. Government.</p> <p>18 BY MS. CALEM:</p> <p>19 Q. Okay. Look at Exhibit 5, that's your complaint.</p> <p>20 Do you not have it? Maybe I have it over here.</p> <p>21 (Sotto voce discussion between witness and</p> <p>22 interpreter.)</p> <p>23 Q. Do you have the complaint or do you want me to</p> <p>24 give you a copy?</p> <p>25 A. I don't have a 5.</p>	<p style="text-align: center;">283</p> <p>1 incidents or whatever happened, I had never went</p> <p>2 to a hospital for those -- for that kind of</p> <p>3 problem or that kind of issue, so I never had</p> <p>4 anxiety or high blood pressure before that.</p> <p>5 Q. So this shocking violence did not cause any of</p> <p>6 these symptoms, but what happened at John Morrell</p> <p>7 with Scott Genzler caused -- caused the symptoms?</p> <p>8 THE INTERPRETER: No, she said. She said I</p> <p>9 came here in United States back in 2004.</p> <p>10 Since -- from 2004, I have been gone to the</p> <p>11 hospital. If you want the record, you can follow</p> <p>12 through the hospital the problem that I was</p> <p>13 there. I never, ever went to hospital for this</p> <p>14 kind of issue or this kind of symptoms.</p> <p>15 Q. Okay.</p> <p>16 A. So you can go through my record, through my</p> <p>17 social security if you want, and try to see</p> <p>18 what --</p> <p>19 Q. I believe you. So your testimony is you were</p> <p>20 basically fine until all of this started at John</p> <p>21 Morrell; is that right?</p> <p>22 A. (In English without translation of question)</p> <p>23 Yeah. (Through interpreter) Yes.</p> <p>24 MS. CALEM: Okay. I don't have any other</p> <p>25 questions.</p>
<p style="text-align: center;">282</p> <p>1 Q. Exhibit 5?</p> <p>2 A. I have a 26.</p> <p>3 Q. Oh, you know why, because this (indicating) is</p> <p>4 Exhibit 5, I'm sorry.</p> <p>5 Look at paragraph 8. Page 2, paragraph 8.</p> <p>6 A. Yeah, that's how it was.</p> <p>7 Q. That's a true statement, right?</p> <p>8 A. Yeah. I remember I spoke like that to -- with</p> <p>9 Ruby.</p> <p>10 Q. Right. You told Ruby about what happened to you,</p> <p>11 and you went through some terrible experiences?</p> <p>12 A. Yeah. I had trouble with a soldier back in my</p> <p>13 country in Tutsi(sp). They thought I was a</p> <p>14 tutsi.</p> <p>15 COURT REPORTER: I'm sorry, back in where?</p> <p>16 THE INTERPRETER: Back in her country, they</p> <p>17 thought she was a tutsi. T-u- -- t-u-t-s-i.</p> <p>18 MS. CALEM: T-s-i, right.</p> <p>19 COURT REPORTER: Thank you.</p> <p>20 BY MS. CALEM:</p> <p>21 Q. So my -- I don't want to make you relive that at</p> <p>22 all. My only question is, do you believe some of</p> <p>23 the diagnoses you've gotten, paranoia, anxiety,</p> <p>24 relate to that experience?</p> <p>25 A. I should say not, because since before the</p>	<p style="text-align: center;">284</p> <p>1 MS. POCHOP: We will read and sign.</p> <p>2 MS. CALEM: It's been a very long day.</p> <p>3 Thank you for your forbearance.</p> <p>4 VIDEOGRAPHER: This is the conclusion on the</p> <p>5 deposition. It's May 24th, 2018. Time 1544</p> <p>6 [sic], the end of Media 2, 8 gig Lexar.</p> <p>7 * * *</p> <p>8 (Deposition concluded at 5:44 p.m., 5-24-18.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>